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ABSTRACT

Resource materials, ideas, and teaching methods are provided for students and teachers in this quarterly newsletter that accompanies and supplements "Resources for Teaching Virginia Government." Issue No. 1 includes: (1) "A Clarion Call to Teachers" (S. Fitz-Hugh); (2) "A General Registrar Speaks Out: An Interview with Charlotte Riddick"; and (3) "Voting in Virginia." Issue No. 2 contains: (1) "You Can Be a 'Professional' Lobbyist" (J. Dillard); (2) "1987 General Assembly Issues: A Legislative Preview"; and (3) "The Spirit of Jefferson" (C. Black; D. Coburn). Issue No. 3 examines: (1) "The Bill of Rights and the States" (H. Abraham); (2) "Landmark Virginia Cases"; and (3) "High School Kids Learn By Serving" (C. McCarthy). Issue No. 4 features: (1) "Sources of Influence in a Legislature" (P. Cline; T. Graham); (2) "Local Government Up Close" (L. Chase); (3) "Baliles: Going for It"; (4) "H.B. 950: A Legislative History of the State Lottery Law"; (4) "A Federalism for the Future" (G. Baliles); and (5) "Civic Education in Action" (P. Bell). Resource materials on Virginia government, the U.S. Constitution Bicentennial celebration, voting, and elections are listed, and pictures are included. (JHP)

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THE QUARTERLY:

A NEWSLETTER TO UPDATE RESOURCES FOR TEACHING VIRGINIA GOVERNMENT

VOL. II

No. 1 - October 1986
No. 2 - January 1987
No. 3 - March 1987
No. 4 - May 1987

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QUARTERLY

A Newsletter to Update Resources for Teaching Virginia Government

A CLARION CALL TO TEACHERS

Susan H. Fitz-Hugh

Secretary, State Board of Elections

The mission of the State Board of Elections is to run all elections in Virginia and to coordinate voter registration. Our office also has a goal to increase the state's voter registration and voter participation.

When I was appointed to office by Governor Robb in 1983, some people contended that Virginia's voter registration was among the lowest in the United States. But liberalizing registration laws is only one way to increase voter registration—and, by itself, only a stab at the problem. Our sister states have shown us that using procedures like mail registration does not necessarily get more people involved in the electoral process and can create an atmosphere in which voter fraud exists.

Changes in Virginia Election Laws

In recent years some important changes in Virginia's election laws have encouraged the 136 general registrars across the state to be more active and available to citizens. The State Board of Elections also requires registrars to visit high schools at least once a year. Most of Virginia's eighteen year-olds do register, but they are not voting. And if they do not vote for four consecutive years, they are dropped from the voter records, as required by the state's constitution. (See page 2 for information on a 1986 proposed constitutional amendment which would change this situation.)

The Importance of Public Education

While progressive changes in state and federal laws can help to increase voter participation, the ultimate answer is to educate citizens on their right and the responsibility to vote. The State Board of Elections has undertaken a number of educational initiatives:

- making public service announcements on radio and television.
- distributing a brochure entitled *"How Can I Vote in Virginia?"*
- sending messages with billing statements through the cooperation of corporations like Virginia Power.

These education initiatives have increased the number of Virginia's registered voters by 500,000 since 1983, and yet at least 1 million eligible citizens still have not registered.

The Voter Education Program

The bottom line is that without the help of our social studies teachers, Virginia's young adults will not understand the electoral process. A representative government works only if everyone participates in selecting the representatives. Therefore, in the summer of 1985, the State Board of Elections invited two teachers from each grade level, K-12, to a workshop at Virginia State University to help create teaching strategies that follow closely the objectives of the Social Studies Standards of Learning. The result is the Voter Education Program.

This program starts in the primary grades with the individual, moves to the group concept of home and school, and concludes with the community, state, country, and the world—always emphasizing the importance of the individual's contribution in a group situation, and his responsibility to be informed. Strategies for secondary classes focus on election procedures, candidate issues, and the evolution of the two-party system.

The program strategies for kindergarten through sixth grade were piloted in four localities in 1985-86. This past summer was spent revising the strategies, and this year the program is being piloted in K-12 classrooms in Chesapeake, Manassas, Norton, Salem, and the counties of Chesterfield, Henrico, and Nottoway. The State Board of Elections hopes to implement the Voter Education Program statewide in the fall of 1987.

The Voter Education Program was developed by teachers for teachers. Our goal was not to increase the teacher's workload, but to make readily available much needed materials for use in the classroom. I hope the Voter Education Program will assist you in your teaching. Anyone can write such a program, but its success depends upon you to teach the young people of Virginia to be responsible and involved citizens.

"The Greeks had a word, idiotes (idiot), for the man who took no part or interest in civic matters."

Henry J. Abraham,
Social Education, January 1955

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Teacher Resource Service, Institute of Government, 207 Minor Hall,
University of Virginia, Charlottesville 22903

SAMPLE BALLOT

SPECIAL ELECTION

Tuesday, November 4, 1985

PROPOSED
CONSTITUTIONAL AMENDMENTS

QUESTION 1

Shall the Constitution of Virginia be amended to allow any registered voter, who has not voted in four years, to continue to be registered if he so requests in writing and still lives at the address listed on the registration records?

☐ YES

☐ NO

QUESTION 2

Shall the Constitution of Virginia be amended to allow government employees, except those who are elected or those who are employed by an elected official, to be appointed assistant voter registrars or officers of election?

☐ YES

☐ NO

QUESTION 3

Shall the Constitution of Virginia be amended so that the Virginia Supreme Court may answer questions of state law certified to it by a federal court or the highest appellate court of another state?

☐ YES

☐ NO

QUESTION 4

Shall the Constitution of Virginia be amended so that the state may be given a right to appeal certain preliminary dismissals and exclusions of evidence in felony cases?

☐ YES

☐ NO

QUESTION 1

The Virginia Constitution requires that a person who has not voted for four years be removed from the registration list and re-register in person. The State Board of Elections must notify the person before the removal date.

This amendment would require the State Board of Elections, when notifying the voter, to send a form that the voter could sign and have witnessed to indicate that he or she remains at the same address and wants to remain registered. The voter then would not have to re-register in person.

QUESTION 2

The Virginia Constitution now prohibits any federal, state, or local government officer or employee from serving as an assistant registrar or an officer of election.

This amendment would allow government officials or employees, except elected officials and their employees, to serve as assistant registrars or officers of election. Assistant registrars are appointed by the general registrar; they may be either paid assistants or unpaid volunteers. Officers of election are those people in each voting precinct who are responsible for operating the precinct polling place on election day and for tabulating and securing ballots following the closing of the polls.

QUESTION 3

This amendment would allow the Virginia Supreme Court to respond directly to either a federal court or the highest appellate court of another state on questions of Virginia law that have not been determined by a lower state court.

Because federal courts must follow state law in non-federal matters, problems have arisen when a point of state law is involved in a federal case and the Virginia judiciary has not made a decision on the point. A similar situation can arise in courts of other states. In that event, the federal or out-of-state court must either (1) make its own determination of Virginia law or (2) refrain from making a decision while the litigants bring separate actions in a Virginia court to resolve the questions of Virginia law.

QUESTION 4

The Virginia Constitution does not allow the state the right to appeal a court decision under any circumstances. At present only the defense may appeal preliminary rulings relating to the constitutionality of a state law or the legality of evidence to be presented. This amendment would allow the prosecutor a limited right to appeal preliminary circuit court rulings that would otherwise result in dismissal of the accused or suppression of evidence essential to the commonwealth's case.

This proposal would allow the commonwealth to appeal only circuit court rulings that have been made before the jury is sworn or, in non-jury trials, before the first witness is sworn or the court begins hearing testimony. Presently Virginia is one of three states that does not allow the government to appeal lower court rulings made before trial in criminal cases.

Prepared by the League of Women Voters of Virginia

A Plan for Action

Use the explanatory notes prepared by the League of Women Voters of Virginia as a basis for further research on the four constitutional questions. Contact the Division of Legislative Services (804/786-3591) to request the comments they have compiled on the four questions. Interview the local registrar to solicit opinions on Questions 1 and 2. Discover if the political parties have taken a stand on those two questions. Do the opinions of the Commonwealth Attorney differ from the opinions of a defense lawyer on Question 4—the Commonwealth's limited right of appeal? How many arguments—pro and con—can your students identify? Once students become well informed on these issues, conduct a class discussion or parliamentary debate. Is there a way for these "experts" to get out and inform the broader electorate whose lack of interest in and misunderstanding of these proposed constitutional questions is notorious. Public service announcements? A neighborhood canvass? Brainstorm to generate student enthusiasm and effective strategies that would get the students out in the community.

A General Registrar Speaks Out:
An Interview with Charlotte Riddick

Charlotte Riddick has been the general registrar for the City of Charlottesville since March 1971, when the Charlottesville Electoral Board appointed her as the city's first full-time registrar. Many Virginia government teachers who are "graduates" of the Taft Seminars know Ms. Riddick as not only a loyal friend of the Taft Institute, but also an effective local government official. Ms. Riddick enthusiastically answered questions in a September interview in her City Hall office.

The problem . . .

Dishearteningly low voter registration figures.

The challenge . . .

In recent years Virginia registrars have been expected to be increasingly accessible, making it easier for people to register to vote by sitting at satellite locations in the jurisdiction, as well as at the registrar's office. According to state law, registrars must sit at a different satellite location for each 5,000 residents in the jurisdiction. Here in Charlottesville, extra hours for voter registration routinely exceed that statutory minimum. Nearly a dozen assistant registrars have been trained to staff these temporary registration sites, which are designed to accommodate hectic work schedules. Public service announcements on television and radio, as well as paid advertisements in three area newspapers, announce these dates and locations.

In addition, this office visits the high school twice as frequently as the law requires to register seventeen-year-olds who will turn eighteen by the next general election. I also accept invitations to speak to nonpartisan civic groups in hopes of increasing voter participation and registration.

Local registrars can now process registration applications for residents of contiguous jurisdictions. This means that the Charlottesville registrar can register residents of twelve neighboring jurisdictions. A Fluvanna County resident who works in Charlottesville, for instance, can now register to vote in the City Hall during his lunch hour. The public needs to become more aware of this change in Virginia's registration laws.

My job is not done until every eligible citizen *who wants to vote* is registered. But this office cannot make voters of indifferent citizens. Satellite locations, extended hours, assistant registrars, high school visits, liberalized registration laws, even constitutional amendments—none of these can generate the interest needed to overcome the apathy that discourages involvement. Postcard registration is not the answer. Political candidates, however, can make a difference. Campaigns addressed to the issues spark interest. People must be given a reason to register and vote.

The young voter . . .

Government teachers must get their students to conclude that only voters can be winners. The younger voters must be convinced that involvement counts for something. I advise high school seniors who plan to be away at college in the fall to register at home and to vote by absentee ballot. To register in the college community is to suggest that that community is your domicile, which is seldom the case with undergraduates.

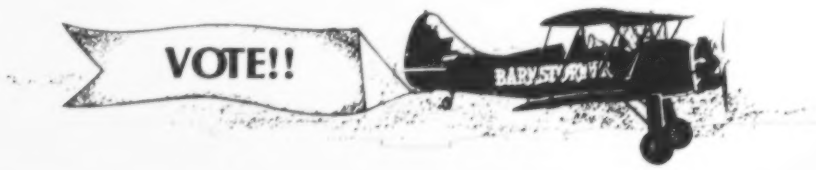
Applying for an absentee ballot is a simple request in writing to the hometown registrar. The application must be signed before a witness and received by the registrar at least five days before the election. Instructions enclosed with the ballot explain how to vote absentee. The absentee ballot must be received in time to be delivered by the electoral board to the polling place by 7 p.m. on election day. Late ballots cannot be counted.

The future . . .

The American electorate is stubborn in its apathy. It will take students with a new understanding of citizenship, political campaigns with an ability to ignite enthusiasm, and, yes, registrars with open doors to convince the disenchanted that questions of government do concern them.

"The bottom line is:
You gotta vote to win."

Washington Post,
September 9, 1986



A Plan for Action

Ann Washington, general registrar for the City of Norfolk, suggests a way for senior government students to encourage recent high school graduates to vote. Here's how:

Follow up the voter registration that was held in the high school in previous years by sending all recent graduates who are living away from home—college students and service personnel—an application for an absentee ballot and a preprinted envelope. A cover letter from the class would remind these younger voters of the important choices to be made in the upcoming general election. Coordinate registration rolls with information from the guidance office to target the mailing. Senior government students, actively involved in a concerted effort like this one, can begin to reverse those embarrassingly low voting statistics for the 18-25 year-old age group. Ann Washington is confident that her idea will work, so why not give it a try?

Resources . . . Resources . . . Resources . . . Resources

On Voting and Elections

In June 1986 the State Board of Elections revised its brochure, ***How Can I Vote in Virginia?*** Multiple copies are available at no cost upon request to: State Board of Elections, 101 Ninth Street Office Building, Richmond, VA 23219; phone (800) 552-9745.

Other materials available upon request from the State Board of Elections: Information bulletin for each political office to be elected that calendar year, election calendar for each calendar year, current issue of the Virginia election laws, lists of candidates, official election results in booklet form or per district, number of registered voters by town or locality, and tally sheets (number of votes case per precinct).

The Virginia Voter is published quarterly by the League of Women Voters of Virginia. To subscribe, send $1.50 to Ms. Celeste Dudley, Editor, P.O. Box 479, Gloucester, VA 23601.

Issues of the ***University of Virginia News Letter*** that analyze recent Virginia elections can be found in Section C of ***Resources for Teaching Virginia Government***.

If your school did not receive a copy of Larry Sabato's ***Virginia Votes 1979-82*** last spring, request a free copy from the Teacher Resource Service.

The League of Women Voters of Virginia prepared in 1984 an informative eight-page item entitled ***The Balancing Act: Reapportionment and Redistricting*** which costs $1.00 and may be ordered from the League's office, 4810 Beauregard Street, B-2, Alexandria, VA 22312.

Class sets of the ***ABC's of the Great Game of Politics*** (October 8, 1984, issue) are available for 35¢ each on orders of ten or more copies. Order from: U.S. News and World Report, Reprints Division, 2400 N Street, NW, Washington, DC 20037.

The Almanac of Virginia Politics, 5th Edition, and its ***1986 Supplement*** are available for $18.53, including tax and handling, from The Woman Activist Fund, Inc., 2310 Barbour Road, Falls Church, VA 22043. Talk with the school librarian about purchasing this valuable reference book.

Copies of ***Politics in America***, a collection of thirty-five teaching strategies for students in grades K-12, can be purchased for $13.50 from the Taft Institute for Two-Party Government, 420 Lexington Avenue, New York, NY 10170.

On Virginia Government

"Virginia's Water Resources," and revised pages for ***Resources for Teaching Virginia Government*** are available. Call or write the Teacher Resource Service if you did not receive these materials at one of the summer regional in-service workshops.

This fall the second edition of ***"By the Good People of Virginia . . ."*** by Cline and Fleming, along with a newly revised teacher's guide, is available from the Virginia Chamber of Commerce for $6.00. Address inquiries to: Publications, Virginia Chamber of Commerce, 9 South Fifth Street, Richmond, VA 23219; phone (804) 644-1607.

A Teacher's Guide has been prepared for use with the League's ***Your Virginia State Government***. This sixteen-page booklet is free with orders of twenty-five or more copies of ***YVSG*** ($3.00 each) or costs $1.00 if purchased separately. Orders should be sent to: League of Women Voters of Virginia, 4810 Beauregard Street, B-2, Alexandria, VA 22312.

Teachers planning to use Section H, ***"Virginia's Water Resources,"*** should check page H-75 of ***Resources for Teaching Virginia Government*** to note the free materials available from the Virginia Water Resources Research Center, VPI & SU, 617 North Mail Street, Blacksburg, VA 24060-3397; (703) 961-5624.

On the Bicentennial of the U.S. Constitution

If your division was not represented at one of the regional in-service workshops held in August/September, contact the Social Studies Service, Department of Education, P.O. Box 6-Q, Richmond, VA 23216, or call (804) 225-2398 for your high school's free copy of ***Lessons on the Constitution***, a gift from the Virginia Commission on the Bicentennial of the U.S. Constitution. Lessons IV-2, IV-4, and V-17 relate to voting, political parties, and reapportionment.

Great graphics! For information concerning ***USA Freedom***, a tabloid published by *USA Today* which celebrates the Bicentennial of the U.S. Constitution, contact Ms. Hayley Head, Bicentennial Coordinator, *USA Today*, Box 500, Washington, DC 20044; phone (800) 368-3024 ext. 6354.

Look for the ***Bicentennial Ideas Book*** to be distributed to Virginia schools later this year by the Virginia Commission on the Bicentennial of the U.S. Constitution.

Send a postcard to the Commission on the Bicentennial of the U.S. Constitution, P.O. Box 50184, Washington, DC 20004-0184, for information and entry forms for the ***National Bicentennial Writing Competition***. The topic for the student essays is *The Constitution: How Does the Separation of Powers Help Make It Work?* Deadline for entries is April 15, 1987.

Celebrate the Constitution and save a bundle on *Update's* special Bicentennial packet of nine past issues of ***Update on Law-Related Education***, the American Bar Association's award-winning magazine. Send $10.50 per packet to ABA, Order Fulfillment 738, 750 Lake Shore Drive, Chicago, IL 60611.

Subscriptions to Project '87's quarterly magazine, ***this Constitution***, should be sent to Project '87, 1527 New Hampshire Avenue, N.W., Washington, DC 20036. Teachers who wish to subscribe should send a check in the amount of $10.00.

Directory of Addresses

in Richmond . . .

The Honorable Gerald L. Baliles (804) 786-2211
The State Capitol
Richmond, VA 23219

The Honorable L. Douglas Wilder (804) 786-2078
Supreme Court Building
101 North Eighth Street
Richmond, VA 23219

The Honorable Mary Sue Terry (804) 786-2071
Supreme Court Building
101 North Eighth Street
Richmond, VA 23219

Legislative Information (year round) (804) 786-6530
Legislative Information (session only) (804) 786-7281

Senators and Delegates
General Assembly Building
Capitol Square
Richmond, VA 23219

in Washington . . .

The President (202) 456-1414
The White House
Washington, DC 20500

The Vice President (202) 456-1414
The White House
Washington, DC 20500

The Honorable John W. Warner (202) 224-2023
United States Senate
Washington, DC 20510

The Honorable Paul S. Trible, Jr. (202) 224-4024
United States Senate
Washington, DC 20510

The Honorable Herbert H. Bateman (202) 225-4261
House of Representatives
Washington, DC 20515

The Honorable G. William Whitehurst (202) 225-4215
House of Representatives
Washington, DC 20515

The Honorable Thomas J. Bliley, Jr. (202) 225-2815
House of Representatives
Washington, DC 20515

The Honorable Norman Sisisky (202) 225-6365
House of Representatives
Washington, DC 20515

The Honorable Dan Daniel (202) 225-4711
House of Representatives
Washington, DC 20515

The Honorable James R. Olin (202) 225-5431
House of Representatives
Washington, DC 20515

The Honorable D. French Slaughter, Jr. (202) 225-6561
House of Representatives
Washington, DC 20515

The Honorable Stan Parris (202) 225-4376
House of Representatives
Washington, DC 20515

The Honorable Frederick C. Boucher (202) 225-3861
House of Representatives
Washington, DC 20515

The Honorable Frank R. Wolf (202) 225-5136
House of Representatives
Washington, DC 20515

Capitol Information (202) 224-3121
Legislative Status Office (202) 225-1772

A Plan for Action

Send them a message. Have students write. Making their voices heard is both effective and easy to do. Elected officials are sensitive to the views of their constituents. For the fundamental do's and don'ts of letter writing, see page C-8 of *Resources for Teaching Virginia Government* and the sample letter on page E-10. Convince students that it pays to sound off.

Voting in Virginia

A Teaching Strategy excerpted from *Voter Education*

Learning Objectives

As a result of this strategy, the student will:
1. List the qualifications for voting in Virginia.
2. Identify the voter registration process in Virginia.
3. Explain the pattern of elections in Virginia—electing national, state, and local officials.
4. Identify referendum and local option as used in Virginia.
5. Explain the process used to conduct elections in Virginia.
6. Identify the duties of both the Virginia State Board of Elections and the local electoral boards.

Teaching Strategies

1. Begin this activity by posing the question "Who can tell me how someone in Virginia qualifies to vote?" The answers can be written on the board.
2. Follow with a discussion of the registration process in Virginia.
3. Explain the schedule of Virginia elections: local, state, and national.
4. Further explain how the referendum and local option are used in Virginia.
5. Discuss the process used to conduct elections in Virginia and the role of election officials. Invite the local registrar to speak on this topic. Points covered should include conduct of elections and election officials.
6. Discuss who is eligible to run for public office and the role political parties pay in both the selection of candidates and the campaign.
7. Encourage student participation. Assign students to volunteer to work for a campaign currently in progress.
8. Invite the registrar to discuss that job and demonstrate the voting machines used in your locality.
9. Invite an elected official to speak to the class about how he/she got elected.

NOTE: Answers to the questions raised are provided in the Voter Education Program. Supplemental worksheets are provided in this notebook of strategies and resources designed to supplement the Social Studies Standards of Learning.

Virginia Campaigns

U. S. House of Representatives

District		
First	(R)	*Herbert H. "Herb" Bateman, 223 Shoe Lane, Newport News 23606
	(D)	Robert C. "Bobby" Scott, P.O. Box 251, Newport News 23607
Second	(R)	A. J. "Joe" Canada, Jr., 1062 Laskin Road, Suite 12A, Virginia Beach 23451
	(D)	Owen B. Pickett, One Columbus Center, Virginia Beach 23462
	(I)	Stephen P. Shao, 516 Lake Shore Road, Virginia Beach 23455
Third	(R)	*Thomas J. "Tom" Bliley, Jr., P.O. Box 1152, Richmond 23208
	(D)	Kenneth E. Powell, 4104 Dover Road, Richmond 23221
	(I)	J. Stephen Hodges, 2034 W. Moore Street, Richmond 23220
Fourth	(D)	*Norman Sisisky, P.O. Box 4139, Petersburg 23803
Fifth	(D)	*W. C. "Dan" Daniel, 301 Post Office Bldg., Danville 24541
	(I)	J. F. "Frank" Cole, P. O. Box 280, Halifax 24558
Sixth	(R)	Flo Neher Traywick, P. O. Box 3092, Lynchburg 24503
	(D)	*James R. "Jim" Olin, 175 27th Street, S. E., Roanoke 24014
Seventh	(R)	*D. French Slaughter, Jr., 1071 Oaklawn Drive, Culpeper 22701
Eighth	(R)	*Stanford E. "Stan" Parris, P. O. Box 704, Springfield 22150
	(D)	James H. Boren, 6711 Rolfs Road, Falls Church 22042
Ninth	(D)	*Frederick C. "Rick" Boucher, 428 Cannon HOB, Washington, DC 20515
Tenth	(R)	*Frank R. Wolf, 1453 Hunter Mill Road, Vienna 22180
	(D)	John G. Milliken, 7245 Arlington Blvd., #205, Falls Church 22042

(R) — Republican
(D) — Democrat
(I) — Independent
* — Incumbent

Source: Compiled by State Board of Elections, 101 Ninth Street Office Building, Richmond, VA 23219-3497.

An Invitation from TRS

As the Teacher Resource Service plans its activities for the coming year, you can help us by letting us know what you need. Please complete and return this short questionnaire.

The Teacher Resource Service can best meet my needs by:

____ sending me the following materials: _____

_____

____ spotlighting successful teaching strategies, such as: _____

_____

____ presenting an in-service workshop in my division on the topic of: _____

_____

_____

My division is: _____

____ providing a directory of Virginia resources and/or a bibliography of titles on the teaching of Virginia state and local government.

____ helping me to: _____

_____

Virginia Facts & Figures

As of August 27, 1986, the number of registered voters in Virginia was 2,581,371.

State Board of Elections

The Virginia jurisdictions with the greatest percentage of registered voters are Surry County (87.0%) and the City of Poquoson (80.4%).

State Board of Elections

In the 1985 elections voter turnout fell dramatically, and in ways that directly benefitted Democrats and hurt Republicans. Central cities provided a larger share of the statewide vote, the Republican suburbs less so.

Larry Sabato
The 1985 Statewide Election in Virginia: History Quietly Writ Large

The Virginia delegation to the U.S. House of Representatives is comprised of six Republicans (First, Second, Third, Seventh, Eighth, and Tenth Districts) and four Democrats (Fourth, Fifth, Sixth, and Ninth Districts). Currently there are 252 Democrats, 180 Republicans, and three vacancies in the House.

New York Times
September 13, 1986

Virginia residents have enjoyed a 24.7% income gain since 1982. Nationwide, personal income has climbed 20.9% since 1982.

Richmond Times Dispatch
September 9, 1986

According to the University of Virginia's Tayloe Murphy Institute, the most recent estimates indicate that Virginia's population is 5,706,300, a 6.7% growth rate since the 1980 census. Fairfax County (687,800) is by far the most populous county; Virginia Beach (319,400) is the state's largest city. Gloucester County is the most rapidly growing locality in Virginia (30.8% growth rate since 1980).

Martin and Sheatsley
Estimates of the Population of Virginia Counties and Cities: 1984 and 1985

Virginia has 95 counties, 41 independent cities, and 189 incorporated towns.

Department of Economic Development,
Virginia Facts and Figures, 1986

What Can Teachers Expect?

- "Virginia's Water Resources," a new section for ***Resources for Teaching Virginia Government***, plus revised pages to update that notebook.
- In-service workshops to introduce instructional strategies and acquaint teachers with available materials on Virginia state and local government.
- A series of legislative seminars planned for the 1987 "short" session of the General Assembly which convenes on Wednesday, January 14, 1987.
- A March 1987, seminar on the state judiciary in cooperation with the Virginia Institute for Law and Citizenship Studies.
- Four issues of ***The Quarterly***, which will be published again in December, March, and May.

Teacher Resource Service
Michael Wildasin
Coordinator

Institute of Government
James A. (Dolph) Norton
Director

207 Minor Hall
University of Virginia
Charlottesville, VA 22903
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TRS? WHAT IS IT? HOW CAN IT HELP ME?

As the Teacher Resource Service enters its second year, it is appropriate to answer these questions so that the TRS can become even more visible and effective.

Funded through the University of Virginia for the fiscal year 1987, the Teacher Resource Service exists to provide resources to teachers of U.S. and Virginia government. By sharing strategies that emphasize getting students involved in the community, the TRS encourages teachers to devote more class time to state and local government in a curriculum that too often focuses on government at the national level.

WHAT DOES THE FELLOW IN VIRGINIA GOVERNMENT DO?

The Fellow in Virginia Government coordinates the activities of the TRS from an office at the Institute of Government, University of Virginia. Michael Wildasin, a government teacher on leave from Chesterfield County Public Schools, was awarded the fellowship and will direct the TRS during 1986-87. Working with a ten-member advisory committee, the Fellow answers requests from teachers for materials, information, and strategies; anticipates classroom needs with ideas presented in workshops and this newsletter; and enjoys a rare opportunity to meet and work with colleagues from across Virginia.

HOW CAN I BECOME THE NEXT FELLOW?

Would you like to be the third Fellow in Virginia Government and spend a year (July 15, 1987 - June 1, 1988) at the University of Virginia's Institute of Government? Here's how to apply.

- Write a brief biography that summarizes your education, teaching experiences, and professional activities.
- Submit strategies you have developed to teach government at the state and local level which meet Standards of Learning objectives.
- Request two letters of recommendation to be sent to the TRS directly from your principal/supervisor and the division superintendent. The superintendent should express a willingness to grant you a leave of absence if you are selected for the fellowship.

Applications and the letters of recommendation must be received by February 1, 1987. If you have any questions, just call or write Michael Wildasin at the Teacher Resource Service, Institute of Government, 207 Minor Hall, University of Virginia, Charlottesville, VA 22903. Phone (804) 924-0955.

YOU CAN BE A "PROFESSIONAL" LOBBYIST

James H. Dillard

When we talk about lobbying, the general public quite often envisions shady deals, undue pressure, buttonholing of officials, and large expenditures of money. This, however, is not the view held by the majority of legislators, who find lobbyists honest, helpful, and necessary to the lawmaking process. For the most part, officials see lobbyists as either good or bad—but not evil. A bad lobbyist is simply one who is inept. A good lobbyist is one who is effective in providing the kinds of information officials need, one who can present a reasoned case addressing the needs of the special interest he represents.

Most people do not realize their potential for becoming a good lobbyist. A good lobbyist does his homework. There is no reason a citizen-lobbyist cannot be as effective as a professional lobbyist. If non-professionals succinctly state the major points of a position, answer quickly the questions raised by the official, and present a persuasive argument on behalf of their case, they are in fact "professionals." As a citizen-lobbyist, you actually will have an advantage over the professional who handles four or five accounts. Usually you will concentrate on only one concern.

It is important to understand that an official is probably ignorant of the details of the program a lobbyist is advocating. It is impossible for officials to be experts in more than a few areas. They must therefore rely on outside information. Be careful not to mislead the official or present incorrect information. In order for you to be effective, the official must have confidence in what you are saying, and he must feel he can count on the facts as you present them. Remember that you must operate over the long haul. It is far better to lose a round by being completely candid than to win one by using half truths or slanted information that will destroy your future relationship with the legislator. Credibility and expertise command respect.

To be really effective, however, you must know how the system works. The best time to influence a program, for instance, is during its formative period. You should be willing to accept compromise on some minor points to get your major concerns incorporated in the final proposal. There are many obstacles in the legislative process. It is essential for a lobbyist to understand just what opens the gates and also what closes them.

Lobbyists need to know who their friends are, who's undecided, and who oppose them. Normally, lobbyists have limited resources in time and money. It is not efficient to spend time or money on the opposition. Your efforts should be concentrated on those who are undecided because there is a potential for return on your investment. Do not forget your friends. It is essential that you remind them of your appreciation and support. This takes a minimum of effort and the pay-off is considerable.

The most important point to remember is that there is no substitute for perseverance and hard work. The successful professional lobbyist works long hours and does his homework. If you truly want to influence legislation, you must be willing to make the sacrifice in time and energy necessary to inform yourself and to present your position persuasively.

Jim Dillard, a social studies resource teacher with Fairfax County Public Schools, is one of fourteen educators in the General Assembly. Dillard, who represents the 41st House District, serves on the TRS Advisory Committee.

A Plan for Action

Students can influence legislation in several ways. Strategies include telephoning, letter writing, visiting legislative offices, and testifying before legislative committees. Students are generally not hesitant to express an opinion on issues that directly interest them, such as mandatory reporting of drug and alcohol abuse, seat belts, blaze orange, truck bumper heights, DUI legislation, no pass/no play, and the school calendar. Choose such an issue, identify a goal, pick the strategies that work for you, and mobilize your forces. Make a difference—at least in your classes and with your students. Contact TRS for packets of resource materials on several lively issues on the legislative agenda—the lottery, no pass/no play, the "bottle" bill, videotaped testimony of child sexual assault victims, and seat belts. Also request from TRS a copy of "Virginia's Legislative Process," prepared by the Department of Planning and Budget; excerpts from "A Handbook for Legislative Advocacy"; and Capitol information.

1987 GENERAL ASSEMBLY ISSUES: A LEGISLATIVE PREVIEW

Bills—new and carried over—will fill the legislative agenda of the 1987 "short" session of the General Assembly, which convened, as the Virginia Constitution mandates, on the second Wednesday in January—the 14th. Summaries of bills which might prove interesting to U.S. and Virginia Government students and useful in classroom strategies have been provided by the research staff of the Division of Legislative Services:

Mandatory Reporting of Drug and Alcohol Abuse Legislation would require that teachers, cloaked with civil immunity, report to administrators students who are suspected of drug and alcohol abuse; that principals inform parents; and that the superintendents notify the police of those students suspected of drug/alcohol abuse.

Criminal Records Check The report of a joint legislative subcommittee is expected to recommend changes in current practices whereby job applicants of school divisions and colleges, as well as applicants for child-care employment, could be investigated for convictions, guilty pleas, and nolo contendre pleas for child abuse, child molestation, contribution to the delinquency of a minor, felony drug offenses, murder, and/or other specified felonies relevant to the particular job in question.

Latch-Key Programs Legislation would allow and encourage the development of local before and after school programs in the schools which would give latch-key children an alternative to their latch-key confinement.

Joint Child Custody Legislation will recommend amending existing statutes expressly to establish a joint custody option, to define the various types of joint custody, to permit the courts to order the parties to attend mediation in any custody case, and to provide for access by both parents to a child's vital records.

Abortion Laws—Parental Consent Legislation would require the consent of at least one parent or a juvenile court judge before an abortion could be performed on a minor.

School-Based Clinics Legislation would allow and encourage public health clinics to cooperate with schools in providing services to reduce the number of teenage pregnancies.

No Pass/No Play Delegate O'Brien's resolution (HJR 119) was carried over from the 1986 session. Again this year legislation encouraging the adoption of a no pass/no play policy will be considered.

Blaze Orange/Hunter Education Seeking to reduce the number of hunting accidents and fatalities, legislators will again consider a bill which would require hunters during deer season to wear blaze orange clothing or be fined $50.00. Related legislation would require persons who have never obtained a license to hunt in Virginia and those under age 16 to show the Commission of Game and Inland Fisheries proof of completion of a hunter education course before a hunting license would be issued.

Mandatory Seat Belts Buckling up or buckling under? The debate will continue in the General Assembly.

Speed Limit Enforcement: Radar SB 264, which gives motorists the opportunity to see the actual radar readout which "caught" them speeding, was carried over. The state police oppose this legislation, asserting that the reliability of radar detection would be compromised.

Truck Bumper Heights Legislation is likely to be introduced which would modify the state law, enacted in 1986, which established maximum bumper heights for trucks. Many four-wheel-drive enthusiasts opposed the 1986 bumper legislation.

Refundable Beverage Containers Legislation similar to SB 38, which was killed in committee during the 1986 session, will likely be introduced again this year. Beverage containers sold in Virginia would have a refund value of not less than 5¢. (For a fuller discussion of the "bottle bill" see "The Quarterly," December 1985.)

1988 Presidential Primary Legislation would authorize a non-binding, preferential presidential primary on March 8, 1988, to coincide with the Southern Regional Primary and parallel actions taken by approximately a dozen other southern states.

Lottery Again this year legislation proposing a referendum on the creation of a state lottery will be discussed.

Credit Card Interest Rates A bill may be introduced to limit the ability of the issuers of credit cards to charge a fixed rate of interest on the unpaid balance. The legislation would formulate an interest rate using an exterior standard, such as the prime rate plus a certain percentage.

Video Statements of Child Sexual Assault Victims Proposed legislation would allow the admission of videotaped depositions and other videotaped testimony as evidence in certain well defined cases. Similar legislation in other states has been held to violate the defendant's constitutional right to confront his accuser.

1987 GENERAL ASSEMBLY SEMINARS

The Teacher Resource Service invites teachers to take part in a one-day legislative seminar. These workshops will be held on the following dates during the 1987 "short" session of the General Assembly: January 28, January 29, February 4, February 12, February 17, and February 19. Teachers who have registered will meet in the former Virginia Supreme Court chamber, located in the State Library Building, 12th and Broad Streets. The workshops will begin at 8:15 AM with a continental breakfast, introductions, and orientation. During the day teachers will have the opportunity to attend committee meetings, visit the House of Delegates and/or the Virginia Senate in session, and meet with "key" players in the legislative process.

Talk with your colleagues who came to Richmond in February 1986. Their enthusiasm will be contagious. Detailed information about the 1987 General Assembly Seminars was mailed to government teachers in December.

Attention 1986 General Assembly Seminar alumni! If you attended the legislative seminars last year, you are invited to return this session to shadow your legislator on one of the workshop dates. The TRS has contacted all the legislators, and they are expecting your telephone call; however, feel free to contact the TRS if you need help in making arrangements with your legislator.

GENERAL ASSEMBLY PROFILE

	House of Delegates			Virginia Senate		
	'81	'84	'86	'81	'84	'86
Party Affiliation						
Democratic	74	65	65	31	33	31
Republican	25	34	33	9	7	9
Independent	1	1	2	0	0	0
Sex						
Male	92	89	90	39	40	40
Female	8	11	10	1	0	0
Race						
White	96	95	93	39	38	38
Black	4	5	7	1	2	2
Age						
21-25	0	0	0	0	0	0
26-35	8	8	8	0	1	0
36-45	35	25	23	11	10	3
46-55	32	36	34	12	10	15
56-65	19	26	30	12	15	15
66+	3	2	5	5	4	5
Not given	3	3	0	0	0	2
Seniority						
0-5 yrs.	30	49	49	11	12	11
6-10 yrs.	43	24	19	15	10	13
11-15 yrs.	15	14	22	8	12	11
16-20 yrs.	9	9	7	3	5	3
21 yrs.+	3	4	3	3	1	2
Occupation						
Professional	60	63	61	26	25	24
Business	32	30	27	11	15	12
Other (includes ag., retired)	8	7	12	3	0	4

Compiled by the Office of Delegate James H. Dillard

A Plan for Action

Who are Virginia's lawmakers? Using the General Assembly Profile, consider these questions:

- **Why bother to know who our lawmakers are? Does knowing something about these legislators help us to understand their voting records or the manner in which they address the problems which confront the General Assembly?**
- **"The citizen legislature consists only of certain types of citizens." (Morris and Sabato, Government and Politics, 1984) Is this assessment less true today than it was at the beginning of the decade?**
- **Does the evidence suggest that there has been any political realignment in Virginia? Or is Virginia today a highly competitive two-party state?**
- **Does the profile suggest that the "old guard" is loosening its grip on Virginia's legislative process? Of what consequence is it that today nearly one-half of Virginia's legislators have served fewer than five years?**

For the current biographies of all 140 legislators, consult The Almanac of Virginia Politics, 1985 and 1986 Supplement (Falls Church, VA: The Woman Activist Fund, Inc.) Request copies of the Virginia House of Delegates Manual: 1986-1987 from the Clerk's Office, at (804) 786-6530, and a copy of the Manual of the Senate from the Clerk of the Senate at (804) 786-2366. Have your students profile area legislators. The formal qualifications for election to the General Assembly are few in number: the candidate must be at least 21 years of age, be registered to vote, and have a residence in the district. In addition to these constitutional requirements, do there seem to be any informal qualifications for holding legislative office? What might be they be?

Resources . . . Resources . . . Resources . . . Resources

On Virginia Government

Legislative information centers are located in the center hall on the ground floor of the Capitol (804/786-6530) and in the first-floor lobby of the General Assembly Building (804/786-7281). Materials available upon request from Capitol Information include: Manuals of the Senate and House of Delegates; copies of the Virginia Constitution; a descriptive narrative, "How a Bill Becomes a Law in Virginia;" district maps showing numbers and boundary lines of House, Senate, and Congressional districts; lists of home mailing addresses and district telephone numbers for House and Senate members; a list of mailing addresses and telephone numbers for the Virginia congressional delegation; schedules of standing committee meetings for the House and Senate; lists of General Assembly Building room assignments and Richmond telephone numbers for General Assembly members; seating charts of members in both houses; House and Senate Calendars; copies of the Cumulative Index; legislative guides and pictorial directories.

Contact TRS for a summary of the 1986 General Assembly Special Session on Transportation. The mailing includes an issue brief prepared by the Office of the Secretary of Transportation and Public Safety and a listing of the legislation enacted which was prepared for the members by the Division of Legislative Services.

A limited number of copies of ***Virginia Government in Brief, 1986-1990***, is available from the Department of Education, P.O. Box 6-Q, Richmond, VA 23216-2060. Call Patricia Hicks at (804) 225-2403.

Available from the Institute of Government, 207 Minor Hall, University of Virginia is the 1984 publication, ***Virginia Government and Politics: Readings and Comments***, edited by Thomas Morris and Larry Sabato. This reader provides a comprehensive, up-to-date, and well organized picture of government and politics in Virginia. Make checks payable to the University of Virginia in the amount of $12.48 and send your order to TRS.

On the Bicentennial of the U.S. Constitution

The ***Bicentennial Ideas Package*** is now available from the Virginia Commission on the Bicentennial of the U.S. Constitution, 207 Minor Hall, University of Virginia, Charlottesville, Virginia 22903. Request your free copy from Tracy Warren, Associate Director. (804) 924-0948.

If you are not receiving the ***Virginia Independent***, the bimonthly newsletter of the Virginia Commission, and would like your name added to the mailing list, write to Virginia Independent, 207 Minor Hall, University of Virginia, Charlottesville, Virginia 22903.

Classroom sets of the ***U.S. Constitution*** are yours for the asking. Address your request to the Commission on the Bicentennial of the U.S. Constitution, 736 Jackson Place, N.W., Washington, D.C. 20503. (202) 653-5174.

We the People Calendar 1987: The Bicentennial of the Constitution Issue provides daily notations on key events in 1787 relating to the drafting and the ratification of the U.S. Constitution. Single copies are available from the U.S. Capitol Historical Society, 200 Maryland Avenue, N.E., Washington, D.C. 20002 for $4.25.

Contests . . . Contests . . . Contests . . . Contests

National Bicentennial High School Writing Competition celebrates the Constitution by inviting students in grades 9 - 12 to research and write an essay on the topic, "The Constitution: How Does the Separation of Powers Help Make It Work?" Essays are due by April 15, 1987. Awards will go to three winners in Virginia. The first place winner gets an all-expense paid trip to Washington, D.C., in September 1987, where the national winner will be announced. For an entry guide, contact National Bicentennial Writing Competition, Commission on the Bicentennial of the U.S. Constitution, P.O. Box 50184, Washington, D.C. 20004-0184. In Virginia call (800) USA-0001 ext. 6354.

National History Day Contest, for grades 6 through 12, has as this year's Constitution-related theme, "Liberty: Rights and Responsibilities in History." Local, state, and national competitions involve students in research, writing, and presentation, culminating in a national event in Maryland in June 1987. Contact: National History Day, 11201 Euclid Avenue, Cleveland, Ohio 44106. Call (216) 421-8803.

American Legion High School Oratorical Contest gives students the opportunity to prepare an 8 - 10 minute speech or to speak extemporaneously for 3 - 5 minutes on aspects of the Constitution. Regional and national finals take place in April 1987. Winners will receive scholarship awards. Contact: Americanism, Children, and Youth Division, American League, P.O. Box 1055, Indianapolis, Indiana 46206. Call (317) 635-8411.

The Spirit of Jefferson

Christine M. Black and Douglas Coburn

Thomas Jefferson, writing to a friend in 1816, stated that a constitution needs to be examined and amended from time to time because "laws and institutions must go hand in hand with the progress of the human mind." In that spirit, an Eastern Shore Jefferson Meeting was organized and conducted at Northampton High School to give students the opportunity to debate issues that faced the founding fathers as they framed the Constitution.

Five Eastern Shore high schools each nominated ten delegates to attend the Jefferson Meeting. Four groups of students were formed to discuss (1) the Constitution and the amending process, (2) the single six-year presidential term, (3) the establishment of a fixed term and/or a retirement age for federal judges, and (4) the line-item veto. Instructional materials on these topics can be obtained from the Jefferson Foundation. Issue booklets provide strategies for arguments on both sides on each constitutional issue. An instructor's guide, "The Jefferson Meeting on the Constitution," is also available.

Choose a date for the Jefferson Meeting and establish a time line for planning for the convention. The community can become involved by having an advisory committee composed of local historians, college professors, school board members, local public officials, retired educators, attorneys, and interested parents. These individuals should assist the students with research and strategies for the presentation of their arguments. The participation of an advisory committee is crucial to the success of the activity. Their guidance, understanding, and commitment to the enrichment of democratic goals are essential ingredients for student involvement in the debates during the plenary session.

The Shore Jefferson Meeting, modeled after the first Jefferson Meeting held in Williamsburg in May 1984, appropriately celebrated the Bicentennial of the United States Constitution. Careful planning guarantees a successful convention. Here's how:

- Establish a coordinating committee that consists of assistant principals and social studies department chairs from the participating schools.
- Establish an advisory committee of approximately ten community representatives who will work with the student-delegates.
- Establish an honorary advisory committee of local and state elected officials.
- Meet with sponsors from the participating schools to discuss objectives, issues to be debated, meeting dates, and to order resource materials from:
  The Jefferson Foundation
  1529 18th Street, N.W.
  Washington, D.C. 20034
  Attn: Dick Merriman
  Materials available: videotape, background articles, teacher's guide, and issue booklets.
- Establish an agenda for the Jefferson Meeting:the order in which the issues will be debated, allocation of time, format for the convention, and the like.
- Notify the local media.
- Contact Chris Black, Assistant Principal for Instruction, or Doug Coburn, Social Studies Chairperson, at Northampton High School, Eastville, VA 23347 for additional information. (804) 678-5144.

A Chronology of the Birth of the Constitution in Virginia

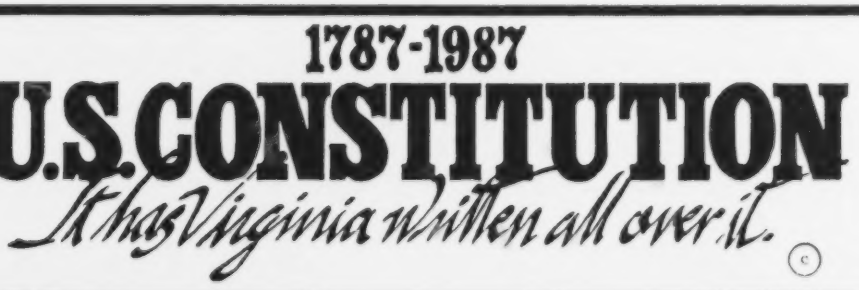
1786	
23 November	Virginia authorizes election of delegates to attend the Convention at Philadelphia
4 December	Virginia elects delegates
	***
1787	
21 February	Congress calls Constitutional Convention
16 March	James Madison's birthday; born in 1751
25 May	Convention meets with quorum of seven states
29 May	Edmund Randolph proposes the Virginia Plan to the Philadelphia Convention
13 July	Congress adopts Northwest Ordinance
6 August	Committee of Detail submits draft constitution to Convention
12 September	Committee of Style submits draft constitution to Convention
17 September	Constitution signed and Convention adjourns sine die
28 September	Congress transmits Constitution to the states
31 October	Virginia calls state convention
	***
1788	
3-31 March	Virginia elects delegates to state convention
2-27 June	Virginia Convention
21 June	New Hampshire Convention ratifies Constitution, 57 to 47, and proposes amendments—the ninth and key state
25 June	Virginia ratifies Constitution, 89 to 79, and proposes amendments
20 November	Virginia requests Congress under the Constitution to call a second constitutional convention

The Constitution and The Commonwealth

The Constitution's bicentennial provides a special opportunity for Americans—and Virginians in particular—to think about the principles it embodies. Thomas Jefferson called these principles, together with those contained in the Bill of Rights, "the creed of our political faith, the text of civil instruction, the touchstone by which we try the services of those we trust."

Are these principles still applicable to our modern society? Or has time outrun the Constitution? The Virginia Court Days Forums, a series of recently concluded meetings, addressed these questions. Issues of the University of Virginia News Letter considered the historical and contemporary controversy over key provisions of the Constitution. Copies of these news letters are available from the Teacher Resource Service:

October 1986	Capitalism and the Constitution
September 1986	The Renaissance of State Constitutional Law
August 1986	The Judicial Protection of Unenumerated Constitutional Rights
May 1986	The Constitution and International Business Transactions
April 1986	Interstate Relations and the Future of Federalism
March 1986	Foreign Policy Under the Constitution: Should the President's Power Be Curbed?
February 1986	Congress and Representation
December 1985	The Federal Bureaucracy: A Bicentennial Review
October 1985	Amending the U.S. Constitution: A New Convention?
August 1985	The Most Basic Non-Fundamental Right: Education in American Constitutional Law
July 1985	Voting Rights Under the Constitution: A Historical and Contemporary Overview
May 1985	Opening the Courthouse Doors: The First Amendment as the Key
April 1985	Commerce and the American Character: Constitutional Stability Amid Technological Changes
March 1985	The Supreme Court and Interstate Commerce
January 1985	The Philosophical Roots of the Constitution: Liberty or Equality?
December 1984	Federalism and the American Constitution: Whither the American States?
October 1984	Virginia's Ratification of the U.S. Constitution
September 1984	"To Secure the Blessings of Liberty": Judicial Review and An Activist Court
July 1984	Democratic Representation and the Constitution: Where Do Political Parties Fit In?
May 1984	Religion and the Political Process: Virginia's Statute for Establishing Religious Freedom
January 1984	The Roots of American Constitutional Principles



Election '86: Sabato's Postscript

- Virginia's congressional incumbents—four Democrats and five Republicans—were reelected by wide margins. The margin of victory for Bliley (3rd), Olin (6th), and Wolf (10th) may well insure these three congressmen less competition in future elections. Already, the percentage of Virginia's House delegation not challenged by the opposition party in 1986 was the fifth highest in the nation.
- Statewide voter turnout of 42.7%, the lowest in a decade, reflected this absence of party-contested congressional elections in the Fourth, Fifth, Seventh, and Ninth Districts, and the absence of any statewide election for governor or U.S. senator.
- Democratic House candidates secured about 53% of the vote in all party-contested districts in the country, and fully 55% in the South—quite a contrast with the Democrat's 45.2% showing in Virginia's six party-contested House elections.
- Blacks voted overwhelmingly Democratic everywhere except in the Third District, where the incumbent Bliley captured 34.5% of Richmond's black vote.

Virginia Facts and Figures

- 11% of Virginia's 1983 population lived in poverty—defined as individuals with incomes of less than $5,061 a year and families of four with incomes of less than $10,178 a year. Virginia's poverty rate was the lowest in the South, and lower than the national average, which was 15%.
- In 1984 Virginia's per capita income exceeded the national average per capita income—the only southern state to best the national average.
- The 1985 Virginia unemployment rate stood at 5.4%—one of only four southern states with unemployment rates lower than 6.9%, which was the national average.
- For the academic year 1985-1986, Virginia's per pupil spending equaled 87% of the national average per pupil expenditures for elementary and secondary education. Only one southern state, Florida, exceeded the national average.
- Virginia recorded 13 infant deaths per 1,000 live births in 1983, compared with a national average of 11 infant deaths per 1,000 live births.

A Plan for Action

Request a class set of Larry Sabato's analysis, "Virginia Elections in 1986: Drift to Democrats Continues," from TRS. The article appears in the University of Virginia News Letter, December 1986. Have your students discuss why Sabato concludes that "Virginia Democrats have survived, and in fact prospered during the Reagan revolution." Teachers who are seeking for primary source materials for their students should call the State Board of Elections (800/552-9745) to request the results of the official canvass of the 1986 elections in Virginia.

A Plan for Action

If you were a member of the Commission on the Future of the South, what steps would you propose be taken by southern states to compete nationally and globally? Why does the Sunbelt still lag behind its neighbors? Based on this evidence, what needs to be done? As a proud Virginian, which of these objectives could you assert the Commonwealth has already realized? For a discussion of the ten objectives the Commission recommended, see Gil Klein, "Cloud Over the South," Richmond Times-Dispatch, November 30, 1986.

Looking Ahead to Summer '87

Here are several programs for summertime study and travel:

The National Endowment for the Humanities sponsors **Summer Seminars for Secondary School Teachers.** Teachers selected to participate will receive a stipend of $2,000, $2,350, or $2,750, depending on whether the seminar lasts for four, five, or six weeks, respectively. The stipend is to cover travel costs to the host college, books, and living expenses during the seminar.

For further information, write the National Endowment for the Humanities, Division of Fellowships and Seminars, SSSST-Room 316, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506. Or call Steven S. Tigner (202) 786-0463. Deadline for applications is March 2, 1987.

Project '87 invites teachers to apply for the ***James Madison Fellowship Program***, which prepares participants to lead Bicentennial programs in their communities. James Madison Fellows will take part in a three-week conference devoted to references, resources, and strategies for education on the Constitution. Conferences will be held at Indiana University and the University of California at Berkeley. The James Madison Fellowship Award is $2,500. Fellows will also receive support for travel and living expenses associated with the summer conference, and funds for materials for the Bicentennial program. Call (202) 483-2512 immediately for application information. Deadline for applications is January 15, 1987. Applications should be mailed to The James Madison Fellowship Program, Project '87, 1527 New Hampshire Avenue, N.W. Washington, D.C. 20036.

The Monticello-Stratford Hall Summer Seminar for Teachers gives teachers the chance to study Virginia political leadership in the era of the American Revolution and to live in a period setting. The three-week program features on-site instruction at Stratford Hall, Monticello, and the University of Virginia. The cost to the teacher will be $420.00 tuition for six semester hours of graduate credit from the University of Virginia. Completed applications must be received by March 16, 1987. For additional information, contact C. Vaughan Stanley, Stratford Hall Plantation, Stratford, Virginia 22558.

Teacher Resource Service
Michael Wildasin
Coordinator

Institute of Government
James A. (Dolph) Norton
Director

207 Minor Hall
University of Virginia
Charlottesville, VA 22903
(804) 924-0955

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WHO AWARDS EDUCATIONAL GRANTS?

The Commission on the Bicentennial of the United States Constitution offers educational grants to develop instructional materials and programs on the Constitution and the Bill of Rights for use in elementary and secondary classrooms. For application materials, write to the Bicentennial Educational Grants Program, Division of Educational Programs, Commission, 736 Jackson Place, N.W., Washington, D.C. 20503.

Would you like help locating other outside funders for school projects? A 62-page guide to 95 foundations that make grants to public and private schools is available from the International Communications Industries Association (ICIA) for $9.95 plus $1.50 postage and handling. Request "Foundation Grants Guide" from ICIA, 3150 Spring Street, Fairfax, Virginia 22031-2399. (703) 273-7200.

HOW CAN I BECOME THE NEXT FELLOW?

Would you like to be the third **Fellow** in Virginia Government and **spend a year (July 15, 1987 - June 1, 1988) at the University of Virginia's Institute of Government? Here's how to apply.**

- **Write a brief biography that summarizes your education, teaching experiences, and professional activities.**
- **Submit strategies you have developed to teach government at the state and local level which meet Standards of Learning objectives.**
- **Request two letters of recommendation to be sent to the TRS directly from your principal/supervisor and the division superintendent. The superintendent should express a willingness to grant you a leave of absence if you are selected for the fellowship.**

Applications and the letters of recommendation must be received by February 2, 1987.

THE BILL OF RIGHTS AND THE STATES

Henry J. Abraham

As we prepare to celebrate the Bicentennial of the ratification of our hallowed Bill of Rights by the then requisite eleven states on December 15, 1791, we are justified, I am convinced, in viewing its current status with genuine pride. It not only lives: it does so in excellent health; it is in good hands under the aegis of the judicial guardianship to which our constitutional firmament has assigned it (even if more implicitly than explicitly). It represents a guardianship that enables us to sleep far more soundly and contentedly than if that guardianship were lodged in the hands of either, or both, of the executive and legislative branches — for they are all-too-close, indeed, to political passion and partisan division. Our fundamental civil rights and liberties are contemporarily more pronounced and more secure than ever. For that demonstrable fact of constitutional life and law, "We-the-People," who, necessarily eschewing potentially deadly complacency, have manifested a natural commitment to the hallowed responsibility of embracing eternal vigilance as the price of our freedom. "We-the-People" owe an abiding debt to the Supreme Court and its awesome power of judicial review.

My colleague, Professor Robert A. Rutland, has told the story of the birth of the Bill of Rights over the memorable fifteen-year period from 1776 - 1791 with historical acumen, profound insight, and uncommon clarity. He succeeded admirably in telling the story of how Americans came to rely on legal guarantees for their personal freedom; that the English common law, colonial charters, legislative enactments, and a variety of events in the thirteen colonies were the chief elements contributing to the basic rationale for a Bill of Rights. But to create the latter was far from the presumably facile task, viewed by some rather naively as all but unanimously pre-ordained. Much opposition abounded, largely bottomed on the belief by a good many that a Bill of Rights was simply unnecessary, that the states, after all, had their own Bills of Rights; and that the body of the Constitution, as it finally surfaced at the September 17, 1787, conclusion of the Constitutional Convention's deliberations, contained ample safeguards against national mischief. Yet, ultimately persuaded by that trio of noble Virginians, Messrs. Jefferson, Madison, and Mason — who had to convince themselves of its wisdom — what we know today as our 462-word Bill of Rights, comprising the first eight articles of amendment to the basic document (or ten to some who prefer to include Amendment Nine and Ten) was born and submitted to the First Congress for its approval in April of 1789, with the young but politically savvy Madison as its floor manager.

Fully alive now to the need for its approval, Mr. Jefferson had written to Mr. Madison in March of 1789 that "The Bill of Rights is necessary because of the legal check which it puts into the hands of the judiciary." What he meant was a legal check against the *national* government — he was not worried greatly about the states since they had their own Bills of Rights, restrictions that the framers considered comfortably satisfactory. The central government, however, was a different matter, and there is simply no doubt, whatever, that the over-riding reason for the Virginians' authorship and sponsorship of the federal Bill of Rights was to place demonstrably far-reaching restraints on the fledgling government. Indeed, the very first phrase of Article One of the approximately 25 assorted rights to be found in the Bill of Rights reads: "*Congress* shall make no law . . ." Although the noun "Congress" reappears nowhere in the remainder of the eight articles that comprise the document at issue, the latter was unquestionably intended to be applicable against the national government only. Certainly that was the understanding with which the eleven states ratified the Bill of Rights. It would fall to our fourth Chief Justice, another renowned Virginian, John Marshall, to be the first to adjudicate the question when, in 1833, in his 33rd year on the Court, he authored the Court's landmark opinion in *Barron* v. *Baltimore*. As was the case with the vast majority of the great nationalist's plethora of opinions, he spoke for an unanimous tribunal in ruling that the Bill of Rights applied only against the national government, emphatically *not* against the states. His holding commenced a history of litigation on the question of the Bill of Right's applicability to the states — a process variously known as "incorporation," "absorption," or "nationalization."

Citizens like Barron were destined to have no further recourse until the ratification in 1868 of the Fourteenth Amendment, probably the most controversial and certainly the most litigated of all amendments adopted since the birth of the Republic. And be it noted that today, 120 years later, a live argument still rages whether Marshall's position is not in fact still the proper interpretation of the Constitution, regardless of the Fourteenth Amendment.

(Continued, page 2)

*(**Abraham**, from page 1)*

That, for example, is the current Administration's position. What, then, of that Amendment? In and of itself it did not overturn the *Barron* precedent; it contains no such explicit purpose or language, and disagreement, as indicated, persists regarding the intention of its framers, particularly as to the extent, if any, of the Amendment's application to the several states. We know that with respect to the matter of the reach of the Bill of Rights, both the heart and the greatest source of confusion and controversy of the famed Amendment is the well-known phrasing of the second, lengthy sentence of Section 1, which was chiefly composed by Republican Representative John A. Bingham of Ohio:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; *nor shall any State deprive any person of life, liberty, or property, without due process of law*; nor deny to any person within its jurisdiction the equal protection of the laws.

There is no disagreement that the second phrase, which was lifted verbatim from the language of the Fifth Amendment, thus was intended to provide guarantees against *state* infringement supplemental to the Fifth's mandate against federal infringement. What does cause major disagreement, however, can be illustrated by two questions: first, *did* the framers of the Amendment intend to "incorporate" or "nationalize" or "absorb" or "carry over" the entire Bill of Rights through the wording of its "due process of law" clause, thereby making it applicable to the several states; and second, regardless of their intention, *should* the Bill of Rights be applied to the states, given the nature of the rights involved and the demands of the democratic society in which we live? It remains a live issue, indeed.

In the face of the many disagreements on the "intent" of the framers, some argue that their intent no longer matters, for the "felt necessities of the time" (Justice Holmes's celebrated phrase) and the inevitable growth of the Constitution, may *a fortiori* dictate the application of the Bill of Rights to the several states regardless of the framers' intention. However, since it is preferable to have historical data to back one's contentions, both the proponents and opponents of total or even partial incorporation continue to invoke history to this day. A great deal of published research on historical justification is available, yet there is no conclusive answer, for the evidence is not persuasive. What is certain is that since the Supreme Court first "incorporated" aspects of the Bill of Rights in 1925, the process has been sporadic; but it has proved to be increasingly embracing as well as continuous over the next four decades.

As the Supreme Court of the United States continues in its first term under Chief Justice Rehnquist — after 17 years under Chief Justice Warren Burger — no further provisions of the Bill of Rights have been incorporated since the double jeopardy clause in 1969. But, in effect, only a few still remain "out": grand jury indictment; trial by a jury in *civil* cases; excessive bail and fines prohibitions; the so-called right to bear arms; and the Third Amendment safeguards against involuntary quartering of troops in private homes. What is crucial is the increasing recognition and acceptance, both on and off the bench, that if there is anything at all national in scope and application under the United States Constitution, it is our fundamental civil rights and liberties. It is my firm conviction that those cherished rights are secure. That they are secure, notwithstanding recurrent crises, is a tribute to "We the People's" dedication to the crucial principle that eternal vigilance is the price of liberty.

On February 3, 1987, Henry J. Abraham, James Hart Professor of Government and Foreign Affairs, University of Virginia, delivered the first in a series of papers on "The Supreme Court, The Bill of Rights, and The Law," a Bicentennial project sponsored by the Virginia Foundation for the Humanities and Public Policy in cooperation with the University of Virginia. This essay is taken from that address.

Landmark Virginia Cases

Since the early nineteenth century, litigation originating in Virginia trial courts has produced landmark U. S. Supreme Court opinions. Following is a roster, compiled by the staff of the Virginia Commission on the Bicentennial of the U. S. Constitution, of several of the more important constitutional decisions handed down by the Court which were based on cases arising in Virginia.

- *Martin* v. *Hunter's Lessee*, 1 Wheat. 304 (1816)
  Judicial review of state court rulings
- *Virginia* v. *Tennessee*, 148 U.S. 503 (1893)
  Interstate compacts
- *Buck* v. *Bell*, 274 U.S. 200 (1927)
  Constitutionality of compulsory sterilization
- *Davis* v. *School Board of Prince Edward County*, 347 U.S. 483 (1954)
  Companion case to *Brown* v. *Board of Education of Topeka I*
- *Harper v. Virginia State Board of Elections*, 383 U.S. 663 (1966)
  Poll taxes invalidated
- *Loving* v. *Virginia*, 388 U.S. 1 (1967)
  Constitutionality of anti-miscegenation laws
- *Bigelow* v. *Virginia*, 421 U.S. 809 (1975)
  First Amendment and protected commercial speech
- *Richmond Newspapers, Inc.* v. *Virginia*, 448 U.S. 555 (1980)
  First and Sixth Amendment questions: free press v. fair trial

Richmond Newspapers Inc. v. *Commonwealth of Virginia*
448 U.S. 555 (1980)

Summary of the Facts

In March 1976, John Paul Stevenson was indicted for the murder of a Hanover County, Virginia, hotel manager who had been found stabbed to death on December 2, 1975. Stevenson was tried in July 1976, and convicted of second-degree murder in the Circuit Court of Hanover County. The Virginia Supreme Court reversed the conviction in October 1977, finding that evidence had been improperly admitted during the trial. Stevenson was retried in the same court. The second trial ended in a mistrial when a juror asked to be excused after the trial had begun and no alternate was available. A third trial, which also began in the same court also ended in a mistrial. It appears that the mistrial may have been declared because a prospective juror had read about Stevenson's previous trials in a newspaper and had told other perspective jurors about the case before the retrial began.

Stevenson was tried in the same court for a fourth time beginning on September 11, 1978. Present in the courtroom when the case was called were two reporters from the Richmond Newspapers. Stevenson's lawyers asked the judge to close the trial to the public because he did not want any information being shuffled back and forth. The prosecuting attorney told the judge that he had no objections and would leave the decision to the discretion of the court. The trial judge conducted a hearing to determine whether or not to close the trial to the press and the general public. Attorneys for Richmond Newspapers, Inc. argued that the trial should be open to the public, stating that the court should have considered if there were other ways that the rights of the defendant could be protected. The judge declared that Virginia statutes gave him the power, and he ordered that the courtroom be kept clear of all parties except the witnesses when they testified. The reporters were denied entry into the courtroom on the grounds that news accounts might be prejudicial to the defendant's right to an impartial jury.

While the jury had been excused, the defendant's attorneys made a motion for the court to strike the Commonwealth's evidence. That motion was upheld by the court and the jury having been excused, the court found the accused, Stevenson, not guilty of murder.

The Richmond Newspapers, Inc. appealed the closing of the trial to the Virginia Supreme Court, which refused to hear the appeal. The Richmond Newspapers, Inc. then appealed its case to the United States Supreme Court.

Legal Question

Did the judge's decision to close the trial violate the First Amendment's guarantees of freedom of speech and press?

Decision

Yes. The United States Supreme Court ruled in a 7-1 decision to reverse the decision of the lower court.

Rationale

Pointing out that trials, as opposed to pre-trial proceedings, have historically remained open to the public, Chief Justice Burger said that the First Amendment guarantees public and press attendance at trials, unless the defendant is able to show that closing the trial is required to protect superior rights to a fair trial for some other overriding considerations. The Supreme Court concluded that "historical evidence . . . demonstrates conclusively that at the time when our organic laws were adopted, criminal trials both here and in England had long been presumptively open." According to the Court, this has long been recognized as an indispensable attribute of an Anglo-American trial. An open trial, the Court concluded, assures that the proceedings will be conducted fairly, discourages perjury, discourages the misconduct of participants, and sees that decisions are not based on secret bias or partiality.

In citing freedoms protected by the First Amendment, the Court concluded:

> These expressly guaranteed freedoms share a common core purpose of assuring freedom of communication on matters relating to the functioning of the government . . . Plainly it would be difficult to single out any aspect of government of higher concern and importance to the people than the matter in which criminal trials are conducted . . . The explicit, guaranteed rights to speak and to publish concerning what takes place at a trial would lose much meaning if access to observe the trial could, as it was here, be foreclosed arbitrarily.

This case study is reprinted with permission from *Issues of Law and Citizenship*, 2d edition, Virginia Institute for Law and Citizenship Studies, Inc., 1983.

Resources . . . Resources . . . Resources . . . Resources

On Virginia Government

The following publications on the Virginia judiciary are available from The Supreme Court of Virginia, Office of the Executive Secretary, 100 North Ninth Street, Third Floor, Richmond, Virginia 23219:

- ***State of the Judiciary Report*** (published annually)
- ***Handbook for Grand Jurors***
- ***Handbook for Judges and Clerks in Virginia***
- ***The Judiciary System: Journey to Justice — Grade 12***
- ***A Handbook for Jurors***
- ***Virginia Courts in Brief***
- ***Supreme Court of Virginia Information Pamphlet***
- ***Virginia Circuit Court Information Pamphlet***
- ***Virginia General District Court Information Pamphlet***
- ***Virginia Juvenile and Domestic Relations District Court Information Pamphlet***
- ***Virginia Magistrate Pamphlet***

Contact Joe O'Brien at the Virginia Institute for Law and Citizenship Studies for the second editions (1986) of ***A Bibliography of Law-Related Education Curriculum Materials*** and ***A Resource Attorney Directory for Virginia***. Direct requests to: Joe O'Brien, Director, Virginia Institute for Law and Citizenship Studies, Oliver Hall South, 1015 West Main Street, Richmond, Virginia 23284. Or call (804) 257-1322.

Virginia State Publications, a listing of all books, serials, pamphlets, reports, and maps issued by agencies, departments, divisions and institutions, or branches of the state government in print as of July 1, 1985, is available upon request from the Virginia State Library, 12th and Capitol Streets, Richmond, Virginia 23219. (804) 786-2313.

The newly published 1987 edition of ***Virginia Facts and Figures*** is available from the Department of Economic Development, 1000 Washington Building, Richmond, Virginia 23219. Call (804) 786-3791 to request a copy of this title which contains information on topics of interest to those who wish to learn more about the State's economy.

On the Bicentennial of the U.S. Constitution

"***The Supreme Court, The Bill of Rights, and The Law***," a series of public discussions in the year of the Constitution's bicentennial, is being sponsored by the Virginia Foundation for the Humanities and Public Policy in cooperation with host institutions in twelve Virginia localities. The Hampden-Sydney (Gerald Carney, 804/223-4388), Staunton (Don Wells, 703/887-7000), and Orange County (Jacqueline Quillen, 703/672-2206) series begin this spring. Each series of five programs uses landmark U. S. Supreme Court cases as a focus for discussion of important constitutional issues. A casebook, containing abridged versions of these decisions, introduction, and commentary, is available free-of-charge to series participants. For further information, contact David Bearinger at the Virginia Foundation (804/924-3296). All programs are free and open to the public.

Professor Jack Greene's "***The Bicentennial Bookshelf: Historians Analyze the Constitutional Era***" provides an extensive, annotated bibliography of the historical literature of the early national period. Send $3.25 to Eastern National, 313 Walnut Street, Philadelphia, PA 19106. Price includes postage and handling. For further information, call (800) 821-2903.

Catherine Drinker Bowen's ***Miracle at Philadelphia***, republished in 1986 by Little, Brown, and Company, is available in paperback for $8.95. In his forward, Warren Burger, Chairman of the Commission on the Bicentennial of the United States Constitution, praises Ms. Bowen for making "these great events come alive for us almost as if she were reporting on contemporary events." Touted by Burger as "the best single popular work on how the 'miracle' of our Constitution came to pass," this lively and readable narrative history seems an ideal choice for directed reading in the year of the Constitution's bicentennial.

Bicentennial Address List:

Virginia Commission on the Bicentennial of the United States Constitution/207 Minor Hall/University of Virginia/Charlottesville, Virginia 22903. Information on Virginia events and resources.

Virginia Institute for Law and Citizenship Studies/1015 West Main Street/Richmond, Virginia 23284. Information on American Bar Association programs and programs for teachers across the state.

Commission on the Bicentennial of the United States Constitution/736 Jackson Place, NW/Washington, DC 20503. Resource on national educational programs.

The Jefferson Foundation/1529 18th Street, NW/Washington, DC 20036. Information on Jefferson Meetings in the schools.

"A Rewarding and Enjoyable Experience"

The 1987 series of General Assembly Seminars was a success in spite of more snow than most Virginians have seen in recent winters. In all, nearly 200 teachers registered, and approximately 150 of them made it to Richmond to participate in the seminars held on February 4, 12, 17, 18, and 19. Teachers who met in the handsome former Supreme Court chambers, located in the State Library Building, were treated to an array of "headliners" including Governor Baliles; Lt. Governor Wilder; Jeannie Baliles; G. C. Morse, the Governor's speechwriter; John Banks, Director of the Division of Legislative Services; Delegates Jim Dillard, George Grayson, Ken Plum and Mitch Van Yahres; Ella Yates, the State Librarian; James Latimer and Dale Eisman of the *Richmond Times Dispatch*; legislative assistants and lobbyists. Tours of the Capitol and the Executive Mansion, visits to the House and Senate galleries and committee rooms, and lots of resources to take home made the visit to Richmond an occasion—"a rewarding and enjoyable experience."

Teachers meet with Governor Baliles.

Some Answers from the Virginia Bicentennial Commission

Tracy K. Warren

Q: Does the Virginia Bicentennial Commission produce curriculum materials?
A: The Virginia Bicentennial Commission, with its modest staff of four, cannot produce curriculum materials; however, we can and will keep teachers informed of materials that are being developed.

The Virginia Bicentennial Commission is set up to act as an information clearinghouse. We can help you find information, not only on bicentennial programs and materials, but also on Virginia's history, constitutional history, and related subjects. We may not know the answer to your question, but we can always tell you who would know.

In preparation for the bicentennial year, the Virginia Commission bought 500 copies of the book *Lessons on the Constitution* for use in Virginia's public schools. Every secondary school now has a copy. This book of supplementary lessons was ten years in the making and should prove an invaluable resource not only for 1987, but for many years to come.

Q: What, if any, bicentennial programs are available for elementary school teachers?
A: Relatively few educational programs have been designed specifically for elementary school level teaching. One notable exception is Betty Debnam's *The Mini Page*. However, many programs and ideas geared for use in secondary schools can be easily adapted to the elementary and middle school level. Obviously, an essay contest might be inappropriate for fifth-graders, but inviting a judge to a fifth-grade class to discuss what he does and what the Constitution means to him is not inappropriate.

Q: Are there other organizations planning bicentennial programs?
A: Many towns, cities, and counties have established their own local bicentennial commission. Of these, a number are planning to work with the schools in organizing celebrations. Call us and find out if your community has established such a commission. Contact that commission and find out what they are doing. Suggest to them ways that your school can become involved.

Q: Where can I get ideas for teaching the Constitution during the bicentennial?
A: The Virginia Bicentennial Commission has produced a booklet called the *Bicentennial Ideas Package*. This booklet, which will be supplemented on a regular basis, provides a variety of ideas and resources for teachers. Also, the Commission puts out a bimonthly newsletter called the *Virginia Independent*. Each issues contains: one substantive article on Virginia and the Constitution; one original document; one bicentennial project idea; a book review; and a listing of current programs and events.

Q: To whom can I address specific questions on events, resources, or *anything* concerning the bicentennial?
A: The address of the Virginia Commission on the Bicentennial of the United States Constitution is 207 Minor Hall/ Charlottesville, Virginia 22903 (phone: 804-924-0948). If we do not know the answer to your question, we will find out where you can find the answer. We welcome your questions.

Saying "YES" to Responsible Citizenship

Youth Encouraging Safety, Y. E. S., is a program jointly sponsored by the Sixth District Juvenile and Domestic Relations Court and the Prince George High School. Ellen Rusnak, the Prince George social studies teacher who originated the Y. E. S. program in cooperation with the Sixth District Court Services Unit, is quick to identify the program's objectives which are to make her Practical Law students more alert to the potential dangers which may result from negligent or wreckless driving; to give to students a first hand opportunity to increase their understanding of the legal system, court procedures, and the Code of Virginia as it pertains to the operation of a motor vehicle; and to enhance the student's sense of responsibility.

Y. E. S. involves students as a youth jury for traffic cases heard in the Juvenile and Domestic Relations Court. While the students do not determine the guilt or innocence of the juvenile offender, if the J and DR judge finds that the offender is guilty of traffic violation, the youth panel recommends to the judge an appropriate sentence based on the evidence they heard during the proceeding.

Before heading off to the Juvenile and Domestic Relations Court, Rusnak's students hear not only from a judge on the Sixth District Juvenile and Domestic Relations Court. In addition, a probation officer and the supervisor of the Court Services Unit guest lecture at Prince George High School. Students then view the Prime Time School Television video, "Youth Court," proposing and discussing appropriate sentences for the video offenders. After a youth jury of six students returns from court, the students report to the others in the class and discuss the reasons for the sentences they recommended. Youth jury days in court are scheduled for once each month during the semester.

Ellen Rusnak is to be commended for involving her students in a very real way in local government. Her goals are no doubt exceeded as her students become participants in the administration of justice.

Rusnak invites questions; you can reach her at Prince George High School at (804) 861-0776.

Courtroom Procedure:

1. A jury of five or six Practical Law students are seated at the front of the courtroom. A foreman will have been chosen in advance.
2. The juvenile traffic offender and his parents enter the courtroom and enter a plea of guilty or not guilty.
3. The officer testifies about the details of the offense.
4. The judge questions the juvenile about the offense.
5. The judge usually asks the parents what actions they have taken.
6. The judge then finds the evidence sufficient for a finding of guilty or not guilty.
7. If the judge determines the defendent is guilty, then the youth jury will retire to the jury room to determine the appropriate sentence.
8. The jury returns and the foreman reads the recommended sentence.
9. The judge then announces the sentence, altering the panel's recommendation as he sees fit, and sets a time limit for completion.

Suggested Sentences: (The youth jury may recommend one or more of these proposed sentences.)

1. Perform Community service hours (usually 2 hours for each mile per hour over the speed limit where applicable).
2. Suspend license for specified period.
3. Issue restricted license for specified period.
4. Send offender to driving school.
5. Restrict offender from driving to and from school and require that he/she ride the bus to school.
6. Require offender to work a certain number of nights in the Emergency Room of a local hospital and to write a report about the traffic accident victims he saw.
7. Require offender to write an essay or research paper on an appropriate topic. (Be certain to specify type and length.)
8. Require offender to keep a scrapbook of traffic accidents and causes for a specified time period and to submit it to the court.
9. Establish a curfew as it seems appropriate.
10. Require the offender to deliver a talk to an appropriate group on some specified safety topic.
11. Make any other recommendation which seems appropriate. No fine may be levied.

Looking Ahead to Summer '87

Women and the Constitution, a five-day institute for social studies teachers, will be held July 20 - 24, 1987, at the Curry School of Education, University of Virginia. Jointly sponsored by the Virginia Council on the Status of Women, the Virginia Women Attorneys Association, and the University of Virginia, this constitutional history institute will feature nationally recognized scholars. University housing, meal plan, and parking can be arranged. Participants may opt to earn 3 semester hours of graduate credit. For additional information, write Rebecca Kneedler, Curry School of Education, Room 236, Ruffner Hall, University of Virginia, 405 Emmet Street, Charlottesville, Virginia 22903. Or call (804) 924-7461.

Applications are invited for the **Taft Institute for Teachers** which is to be held July 20 - 31, 1987, at the University of Virginia. Class sessions — led by government officials, party leaders, political scientists, and educators — focus on the study of practical politics in a two-party system. Tuition, housing, and books are provided under a grant from the Robert A. Taft Institute of Government. Seminar participants pay a tax-deductible fee ($90.00) to the Robert A. Taft Institute of Government. Applications must be received by May 1, 1987. All secondary social studies teachers are encouraged to apply. For additional information and application, contact Jerry R. Moore, Director, Taft Seminar for Teachers, University of Virginia, Room 221A, Ruffner Hall, 405 Emmet Street, Charlottesville, Virginia 22903. Call (804) 924-0837.

The **1987 Summer Institute in Economic Education**, designed to prepare educators to teach more effectively economic facts and concepts, is set for June 18 - July 3, 1987, at the University of Virginia. Enrollment is limited to forty Virginia teachers (K - 12), administrators, and supervisors. Three semester hours of graduate credit will be awarded. Participants receive a scholarship which covers the cost of the materials and tuition; teachers need pay only a $25.00 registration fee. University housing is available to participants who live more than forty miles from Charlottesville. Interested teachers should contact Jerry Moore, Director, Center for Economic Education. (804) 924-0837. Deadline for applications is May 1, 1987.

The Monticello-Stratford Hall Summer Seminar for Teachers gives teachers the chance to study Virginia political leadership in the era of the American Revolution and to live in a period setting. The three-week program features on-site instruction at Stratford Hall, Monticello, and the University of Virginia. The cost to the teacher will be $420.00 tuition for six semester hours of graduate credit from the University of Virginia. For additional information, contact C. Vaughan Stanley, Stratford Hall Plantation, Stratford, Virginia 22558.

The Freedoms Foundation at Valley Forge, Pennsylvania, announces a series of one-week seminars on topics of interest to government teachers: **National Security** (June 28 - July 3), **Conservative and Liberal Thought in America** (July 12 -17), **Freedom and Mass Communication** (July 19 -24), **Contemporary American Issues** (August 2 - 7), and **Celebrating Liberty: The Bicentennials of the Constitution and Bill of Rights** (August 9 - 14). A $100 registration fee is due upon acceptance. One semester hour of graduate credit will be awarded for each seminar. For additional information, call the Programs Office, Freedoms Foundation, (215) 933-8825.

The **Virginia Writing Project** — summer institutes for teachers from all grade levels and subject areas — will be held on college campuses in Richmond (804/257-1667), Charlottesville (804/924-0842), Williamsburg (804/253-4524), Fairfax (703/323-2217), Petersburg (804/520-5489), Blacksburg (703/961-5537), and Norfolk (804/440-3293). Participants meet four days a week, for five weeks, to examine the problems in the teaching of writing, and to understand how writing can be taught across the curriculum. Fellows will receive a $500 stipend at the end of the summer institute. They will also earn six graduate credits, three in English and three in education. In most cases, school divisions will provide help with tuition fees. Applications must be submitted by mid-April.

High school teachers of American history and government are eligible to apply for the **1987 Summer Seminar and Workshop on the Creation of the U.S. Constitution** to be held at Colonial Williamsburg, June 21-27, 1987. Dr. John Selby, professor of colonial American history at the College of William and Mary will instruct the sixteen teachers selected for the workshop. Colonial Williamsburg education specialists will assist with the development of classroom materials. All transportation, lodging, meals, and other costs of the workshop will be paid by a grant from the John Ben Snow Foundation. The deadline for applications is April 30, 1987. To obtain an application, call or write: Ms. Velva Henegar, The Colonial Williamsburg Foundation, P.O. Box C, Williamsburg, Virginia 23187. (804) 220-7215.

Teacher Resource Service
Michael Wildasin
Coordinator

Institute of Government
James A. (Dolph) Norton
Director

207 Minor Hall
University of Virginia
Charlottesville, VA 22903
(804) 924-0955

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High School Kids Learn by Serving

Colman McCarthy

Talk with high school teachers and they will tell you, before long, that the students they most respect and will probably most remember are the ones who learned how to give back. More of these students are at work in the community — as volunteers in literacy programs, soup kitchens, hospitals, nursing homes, handicapped centers — than we realize.

Confirmation of this truth came this week from the Carnegie Foundation for the Advancement of Teaching. Its report, "Student Service," reveals that more than two-thirds of the 1,100 high schools responding to questionnaires have service programs. Charles Harrison, the author of the report and former director of the Education Writers' Association, visited nine high schools himself. He found children for whom altruism is an activity, not an SAT word.

In Detroit, 200 hours of voluntary or paid community-service work outside school are required for course credit. In Maryland, the superintendent of education is pushing for community service to be a statewide requirement for graduation. In Greenwich High School in Connecticut, the social-studies faculty includes community service as part of its required Contemporary America course. In Los Angeles, 20 high schools are involved in the Youth Community Service program. In the District of Columbia, Banneker High School's Community Laboratory Project asks students for at least one afternoon a week for service.

At the end of his investigations, Harrison wrote: "considering the way young people grow up, someone — and that usually means the school — must help the coming generation understand the importance of being givers as well as takers. Otherwise the behavior that follows the adolescent into adulthood may be that of a person who is unconnected and uncommitted — with no sense of owing something to the community, with no feeling of responsibility to help others who may be in need."

Service programs ought to be a strong part of the high-school curriculum. College admission directors need to put less weight on SATs and more on service. Too many students leave high school idea-rich but experience-poor. The rest of us can stop asking children the old favorite — what do you want to be when you grow up? — and ask instead the question that stirs the soul: How do you want to serve society when you're ready?

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QUARTERLY

A Newsletter to Update Resources for Teaching Virginia Government

SOURCES OF INFLUENCE IN A LEGISLATURE

Paul C. Cline and Tony Graham

The ability to influence plays a major role in the actions that occur in any government. The state legislature is not immune from constant bombardment from influential sources. We are concerned here with the ways influence is enhanced within a legislative body.

A legislature is composed of individuals. Two things may be said about these individuals. There are a large number of them. Most state senates have from thirty to fifty; most lower houses seat from sixty to two hundred. Second, members take seriously the role of representing their constituents. The legislators are in the capital city only part of the year; the rest of the time they are living in their districts. Diverse constituencies create differences that appear when the members are in session.

Persons of influence in the legislature are those who can move this large number of individuals to join together in a common cause. Persons of real influence are able to do this time after time, year after year. The sources of this influence are both internal and external to the legislator. Internal sources include personality, a desire to influence, and the necessary skills. External sources include seniority and membership in the majority party.

Personality A major factor in leadership is charisma. This is the capacity to gain popular support for some cause. It has also come to mean a quality in a person which makes others want to follow his lead. Force of personality or charisma cannot replace the need to be in the legislature a longer time to gain influence, but it can speed up the process. Of course, it can also lead to jealousies and a diminished standing in the legislature among one's colleagues.

Desire to influence Some legislators want to influence more than others. These persons may have a greater desire to have a certain agenda enacted. This may come as a result of their representing constituents who want to see a specific action taken. The legislator may have a personal affinity for a program that causes him or her to work harder than others for it. The need to show some progress at reelection time may activate the member. Some legislators have a salesperson's personality which causes the member to value success in persuading others. Legislators who do not possess these factors may be satisfied to take a less active role.

Skills A variety of skills are helpful in getting things done in larger groups such as legislative bodies. The ability to communicate effectively is a major asset. This includes the ability to relate to individuals, committees, and the entire chamber to which one belongs. Part of this communication is the conveying of a quality of trust. This trust is necessary in an atmosphere of give-and-take, and includes a sense that the individual is fair, honest, and discreet. In sum, it means that the individual is one on whom others can rely. For instance, if a legislator gives a promise to another member that he or she will support a bill, it is necessary to inform the other member if the legislator plans to oppose the bill.

Some professions or types of work give persons an edge in the legislative process. The lawyer is familiar with the legal language of the bills and with rules of interpretation. The lawyer also has practice in the type of debate that occurs in committee and on the floor. In this form of debate, questions, directed to the presiding officer, are to be answered by the member who has just spoken on the bill. The questioning is much like the cross-examination of witnesses in a trial. The answering of the questions is similar to defending a position in a trial of a case. Accountants and business people are adept in dealing with the financial issues before the legislature. The budget is an ominous document—a long and involved balancing of income and expenditures for a state which is larger than any other business in the state. Teachers can make use of their abilities in gathering information and presenting it to inform others. The teacher is more accustomed to presenting the facts in an unbiased manner than in advocating one position or another. This means that the teacher has to sharpen advocacy skills in the legislature. Persons from various lines of work can bring their expertise to strengthen the legislative product.

In this age of complex legislation, members tend to become specialized in committees and subcommittees. Knowledge provides influence in this setting.

Seniority Being in a legislative body for a longer time multiplies the other sources of influence. The individual is better known and in turn has a closer acquaintance with members of the legislature, the executive, and the judiciary, as well as with the public. This close acquaintanceship permits one to operate more openly and less defensively with those he has known for a longer period. A trusting attitude between the various political actors permits legislative business to be considered without defensive maneuvers . Of course, a long association can also provide more opportunity for animosity and distrust which would make the legislator less effective.

(Continued, page 2)

Teacher Resource Service, Institute of Government, 207 Minor Hall,
University of Virginia, Charlottesville 22903
(804) 924-0955

Local Government Up Close

Lee A. Chase

Spring. The time when a student's fancy turns to thoughts of . . . local government. Local government?!? Well, at least in Chesterfield County. Each spring approximately seventy high school government students participate in a program called Model County Government.

This program gives students a firsthand look at the structure and function of government at the grass roots level. A second purpose is to foster an awareness of career opportunities in local government. Students "shadow" local officials to discover what the job entails and how it contributes to the overall operation of the county government.

A joint venture of the school division and the county government, Model County Government activities are organized by the specialist for secondary social studies and the coordinator for the Office on Youth. One government teacher from each of the county high schools (8) and the assistant principal from the Vocational Technical Center attend an orientation meeting in January. In past years teachers have also received information about and training in parliamentary procedures, the drafting of ordinances, and the Dillon Rule. These teachers promote the program in their schools and distribute information and applications to interested students in early February. At this same time, each county official is contacted, invited to participate, and given information about the planned itinerary.

Each school is assigned county positions through a random drawing. Students are selected by a committee of social studies teachers in each school. Those students who are selected to participate attend a brief late afternoon orientation session in mid-March and then embark on a two day program which gives them a bird's eye view of county government in action. A full day of activities is scheduled for students in late March which includes a question and answer session with a local Juvenile and Domestic Relations Court judge; visits to a Board of Supervisors and a School Board meeting; and tours of the county jail, police communications center, and the county museum. Students also schedule an interview with their designated official on this day. Each student is expected to get acquainted with the office and the official.

The Model County Government Day is held in late April. By this time the students are ready to participate in the planned activities. The morning begins bright and early with a continental breakfast. Students spend the remainder of the morning "shadowing" officials, taking a closer look at the duties and responsibilities of the office. Students are expected to ask probing questions. At noon students and county officials attend a luncheon—Sunday manners at their best! The afternoon session is highlighted by a model Board of Supervisors meeting and a model School Board meeting. Students selected for these leadership roles are particularly articulate; these student board members have the ability to think quickly as they act on the agendas of ordinances and School Board policies proposed by the high schools. During the mock board meetings, students from the audience participate by addressing the boards on the issues.

Topics this year included a ban on smoking in county public buildings, proration of property taxes, new library construction, a dress code for students, establishing a computer literacy prerequisite for graduation, and a change in the grading scale. The day ends with a ceremony at which students and teachers are recognized for their participation in the program. Later, each student, teacher, and county official is asked to complete a written evaluation of the program. The results each year indicate that the participants believe the program is a learning experience.

One of the keys to the success of the program is the active role played by the government teachers in each school. These teachers prepare the students to handle the responsibilities involved. Such a countywide program does require a good deal of planning and organization, but the benefits are considerable. For the students, the learning experiences are significant because they are expected to ask probing questions in an interview situation, to write ordinances and policies, to use parliamentary procedures correctly, to speak articulately, and to make sound decisions. Moreover, the students are given that rare opportunity to experience the real world of government and politics. What better way to develop an active citizenry and the leaders of tomorrow!

For specific information on developing such a Model County Government program, contact Ms. Lee A. Chase, Program Specialist for Secondary Social Studies, Chesterfield County Public Schools, Chesterfield, Virginia 23832. (804) 748-1484.

*(**Cline/Graham**, from page 1)*

Seniority provides for a greater opportunity to learn more about the complex issues and the involved procedures of the body. A senior legislator can build on this knowledge without having to continually learn the basic information each time an issue is presented. Such a legislator can also become more adept at using the legislative process to his or her advantage.

Leadership positions come with seniority. These positions occur in the body, in committees, and in party caucuses. Leaders are able to influence the topics to be considered and the length of time they will be considered. They may also appoint persons they favor to positions of responsibility and influence.

Membership in the majority party
Members of the majority party enjoy positions of leadership. The majority caucus can make decisions for the entire legislative body if the caucus operates as a unit in voting and acting. This is not done in the United States to the degree that occurs in some of the political parties of other nations. These foreign political parties are often able to attain a level of discipline in which a member will seldom stray from the party position on an issue.

In gaining influence in a legislative body the several characteristics described above will be helpful. As with any other achievement, hard work can overcome characteristics that might be handicaps to others, such as a lack of seniority. Personal integrity and congeniality can lead to acceptance by members of both parties. In short, there is no single road to influence in the legislature; the avenues are nearly as varied as the differences among the legislators.

Paul C. Cline is a professor of political science at James Madison University, a member of the House of Delegates, and co-author of "By The Good People of Virginia," 2nd edition (Richmond: Virginia Chamber of Commerce, 1986). Tony Graham is a professor of education at James Madison University.

Baliles: Going For It

Interviews with Morris and Sabato

Prompted by the enthusiastic headlines which greeted Governor Baliles and the lawmakers as the 1987 General Assembly adjourned, TRS decided to ask two of Virginia's most astute political commentators to evaluate the first fifteen months of the Baliles administration. In taped interviews, the editors of *Virginia Government and Politics: Readings and Comments*, Thomas R. Morris and Larry Sabato, each responded to the same five questions. Morris is a professor of political science at the University of Richmond and Sabato is an associate professor of government at the University of Virginia.

How would you describe Governor Baliles' style of leadership?

Morris: Governor Baliles is a thoughtful, intellectual technocrat who loves the nitty-gritty of the governing process. Baliles reminds me of Bruce Babbitt, the former Democratic governor of Arizona and declared presidential candidate, who pundits have described as a public policy buff of the first order. This is true of Governor Baliles as well. For example, his interest in environmental issues dates back to the 1970's when he was an assistant attorney general. His support of a phosphate ban stems from that time. Governor Baliles enjoys analyzing an issue and working out the policy details.

Sabato: Governor Baliles has a hands on style of leadership that is very different from that of Chuck Robb who was a great delegator like President Reagan. Robb rarely got involved in the details of policy. He gave his cabinet members wide latitude. Baliles also does that, but when he sets his own agenda, the high priority items tend to capture his attention and he spends an enormous amount of time himself working on them. He's very good at picking out a few key items that are not only important in a policy sense, but also politically practical. His approach has been an unusual one for Virginia. It's an approach that's very detail oriented, and yet Baliles is cognizant of political realities. He has been careful to select a topic a year. There will be a definite focus in each of the remaining years of the Baliles administration.

Assess the Governor's successes and shortcomings in his administration to date.

Morris: First, let's talk about the successes because there have been more successes than failures. Because Baliles needed no on-the-job training, early on in his administration he established an effective working relationship with the General Assembly which is a prerequisite for success. Baliles' legislative achievements have been impressive. The enactment of a transportation package, for example, shows that he understands the political process and the importance of timing when dealing with legislators. It would have been premature to promote such a transportation package in the 1986 session, and the 1987 "short" session might have been dominated by other issues. Both the creation of the transportation commission and the calling of the special session suggest his mastery of the legislative process.

Without question, the flap over the prison contact visits stands out as the major failure of the Baliles administration. The administration's defensive stance—shades of Watergate—overshadowed the last few months of Baliles' first year in office.

Governor Baliles lacks the widespread popularity and name recognition of a Chuck Robb. He is not well known by the general public, a liability as I see it, which forces him to fall back on his nuts and bolts approach to government in order to get things done. Baliles cannot go to the public with his initiatives as Robb or Reagan could. He is aware of this shortcoming. His working visits to various parts of the Commonwealth are an effort to increase his visibility as chief executive. This governor, however, is admired and respected by the insiders of state government.

Sabato: The successes greatly outnumber the failures, and the successes are important successes, maybe even historically significant successes. He's had almost a perfect success rate with his legislative program. I think that's because of two things. One is that Baliles is a creature of the legislative process much more so than some other recent governors. Second, Baliles is also unusually competent for a public official. He is very attentive to detail without getting overwhelmed by it. Baliles is able to determine what is reasonable and in the interest of each individual legislator whose vote he is trying to win. This governor understands that majority coalitions of legislators are built a person at a time.

What are the failures? Certainly the contact-visit issue would be at the top of the list. I think that issue was handled very poorly by the administration. As in most controversies of this sort, as President Reagan has learned, the best solution is to get all the facts out as quickly as possible and get it over with. Make it a one week headline instead of a six month headline. It's difficult to find other major failures.

Of all the items on the Governor's legislative agenda, which bill—enacted since his term of office began in January 1986—is the most significant for Virginia? Why?

Morris: The income tax rebate enacted by the 1987 session of the General Assembly represents public policy making at its best in that hard choices were made as to which income groups would be most favored. It was a value-laden public policy decision with partisan overtones—a nice antidote to the pervasive and sometimes bland bipartisanship that characterizes Virginia politics. That the General Assembly followed his lead demonstrates that Governor Baliles knows how to use public policy to build a political coalition—in this instance, the Democratic Party of Virginia.

Sabato: The transportation initiative would be number one. Tax increases are never easy to secure. It's impressive when a governor manages to do it. It's particularly impressive when a governor is also able to construct a consensus on a topic where one did not exist previously. It is true that in Hampton Roads and Northern Virginia people were concerned about traffic problems, but taking that localized concern, converting it into a specific highway program, and getting a majority of the legislators to pass the taxes to fund the program is a very significant accomplishment. *(Continued, page 10)*

Resources. . .Resources. . .Resources. . .Resources

On Virginia Government

The January/February issue of the ***Virginia Record*** is a valuable handbook of Virginia government officials in the executive, legislative, and judicial departments; independent agencies; and local government. To receive a copy of this magazine, send a check for $5.04 to Virginia Record, P.O. Drawer 2-Y, Richmond, Virginia 23205. (804) 644-6717.

A copy of the Virginia Department of Planning and Budget's March 1987 report, ***"The Effects of the President's 1988 Budget Proposal on Selected Virginia Programs,"*** is available from TRS. According to the study, state and local governments in Virginia would stand to lose $130 million in grant programs from the national government. This 21-page study examines fifty major programs to show where the biggest cuts would occur if Congress were to approve the Reagan budget.

For use in conjunction with Section H of the *Resources* notebook, request a free copy of ***Virginia's Water*** from Publication Services, Virginia Water Resources Research Center, 617 North Main Street, Blacksburg, Virginia 24060-3397. (703) 961-5624.

The Tayloe Murphy Institute of the University of Virginia has completed a comprehensive survey of demographic and economic conditions in Southwest Virginia. This 1987 study provides essential information for anyone interested in the future of the region. To receive a copy of ***The People and Economy of Southwest Virginia*** send a check in the amount of $6.27 to the Tayloe Murphy Institute, 2015 Ivy Road, Charlottesville 22903. (804) 971-2661.

The February 1987 University of Virginia News Letter, ***"The Governing Structure of Public Education in Virginia,"*** is a title of interest to students and educators. Written by Norma E. Szakal, staff attorney with the Division of Legislative Services, this essay delineates state and local authority for education. Copies are available from TRS.

Professor Larry Sabato's analysis of Virginia's elections continues with the publication of ***Virginia Votes 1983-1986***, this summer. This volume, the fifth in the series, will include official election results, by individual city and county, for the major statewide elections during these years. Copies can be preordered from the Institute of Government, 207 Minor Hall, University of Virginia, Charlottesville, Virginia 22903. (804) 924-3396. Make checks payable to the University of Virginia in the amount of $11.50 which includes postage and handling.

On the Bicentennial of the U. S. Constitution

Celebrating the Constitution: An Interdisciplinary Approach, a booklet of Bicentennial ideas prepared by the faculty of Bethel High School, is available from Mary Bicouvaris, Department of Social Studies, Bethel High School, 1067 Big Bethel Road, Hampton, Virginia 23666. (804) 826-4321.

With the Fall 1986 issue of the ***Bill of Rights in Action***, the Constitutional Rights Foundation began its commemoration of the Bicentennial of the Constitution. From now until 1991, CRF will publish special editions of their newsletter which focus on important constitutional themes and issues. To receive a free copy send your name to: Publications and Materials, Constitutional Rights Foundation, 601 South Kingsley Drive, Los Angeles, California 90005. (213) 487-5590.

Now you can get *this Constitution* in a single hardcover volume. Talk with your librarian or department chair. Congressional Quarterly Inc. and Project '87 have published a selection of essays on major constitutional issues from the Project '87 quarterly magazine. The book is organized by major constitutional issue. Order ***this Constitution: Our Enduring Legacy*** from Congressional Quarterly, Inc., Dept. 4-H, 1414 22nd Street, N.W., Washington, D.C. 20037. Enclose a check in the amount of $22.00.

Retrieve from the library the April 27th issue of ***U.S. News & World Report***. The cover package includes several articles on the Philadelphia Convention, the Constitution, and a Bicentennial calendar.

Department chairs, take note: The National Archives has developed a teaching unit, containing primary sources from its holdings, to help students understand the process by which history is written, and to develop analytical skills. The boxed unit contains a detailed Teacher's Guide and a set of 34 reproductions of documents that illuminate three processes: the making of the Constitution, the beginning of the government, and the evolution of a constitutional issue. The 97-page guide contains twenty exercises tied to specific documents. ***The Constitution: Evolution of a Government*** is published by the National Archives and SIRS, Inc., and costs $35.00. To order send a check or purchase order to SIRS, Inc., P.O. Box 2348, Boca Raton, Florida 33427-2348. (800) 327-0513.

The Fall 1986 issue of ***Update on Law-Related Education*** focuses on how the separation of powers helps make our government work. Send a check for $5.00 to Order Fulfillment-738, American Bar Association, 750 North Lake Shore Drive, Chicago, Illinois 60611.

Teaching Today's Constitution: A Contemporary Approach, an activity-oriented curriculum, demonstrates the relevance of the Constitution by applying its principles to current, controversial issues. The ten lesson plans include detailed instructions for teachers and accompanying handout materials for students. These strategies are available for $17.95 from Social Studies School Service, 10,000 Culver City Boulevard, P.O. Box 802, Culver City, California 90232. (800) 421-4246.

H. B. 950: A Legislative History of the State Lottery Law

The legislative history which follows illustrates the intricacies of Virginia legislative procedure. Computerized status reports of all bills and resolutions introduced during the 1987 General Assembly are available from Legislative Information, The Clerk's Office, House of Delegates, P.O. Box 406, Richmond, Virginia 23203. (804) 786-6530.

A Bill to amend and reenact sections 2.1-116, 58.1-322 and 58.1-460 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 18.2-334.3 and by adding in Title 58.1 a subtitle numbered IV consisting of a chapter numbered 1, consisting of sections numbered 58.1-4000 through 58.1-4028, all generally related to the establishment of a state-operated lottery and the creation of a State Lottery Board within a State Lottery Department; penalties; appropriation.

A SUMMARY OF THIS BILL AS INTRODUCED IS AS FOLLOWS:
State Lottery Law. Creates a state lottery and appropriates the additional revenue to the general fund.

Patrons—O'Brien, Croshaw, Copeland, Brickley, Dicks, Plum, Cooper, McClanan, Moss, Robinson, J. W., Morrison, Callahan and Robinson, W. P.

Jan 14, 87	H	Presented & ordered printed
	H	Referred to the Committee on General Laws
Jan 20, 87	H	Assigned to Subcommittee 3
Jan 22, 87	H	Reported as a sub. from General Laws 14-Y 6-N; substitute printed
	H	Read first time
Jan 26, 87	H	Passed by for the day
Jan 27, 87	H	Read second time
	H	Committee substitute agreed to
	H	Floor amendment rejected 45-Y 52-N
	H	Floor amendments agreed to in-part; title amended
	H	Motion for pending question agreed to
	H	Engrossed by House; engrossed bill printed
Jan 28, 87	H	Read third time
	H	Motion for pending question agreed to
	H	Passed House 61-Y 39-N
	H	Communicated to Senate
Jan 29, 87	S	Constitutional reading dispensed 35-Y 0-N
	S	Referred to the Committee on Finance
Feb 12, 87	S	Reported as a substitute from Finance 11-Y 3-N; substitute printed
Feb 13, 87	S	Constitutional reading dispensed 40-Y 0-N
Feb 16, 87	S	Read third time
	S	Reading of substitute waived
	S	Committee substitute agreed to 22-Y 18-N
	S	Engrossed by the Senate
	S	Passed Senate with substitute 22-Y 18-N
Feb 17, 87	H	Placed on calendar
Feb 18, 87	H	Senate substitute rejected by House 5-Y 91-N
Feb 19, 87	S	Senate insisted on substitute 40-Y 0-N
	S	Senate requested Conference Committee
	H	House acceded to request
	S	Conferees appointed by Senate; Senators: Fears, Gartlan, Truban
	H	Conferees appointed by House; Delegates: O'Brien, Axselle, Wilson
Feb 27, 87	H	Conference report rejected by House 38-Y 62-N
Feb 28, 87	S	Reading of conference report waived
	S	Motion to reject conference report 19-Y 21-N
	S	Conference report agreed to by Senate 21-Y 19-N
	H	House requested second Conference Committee
	S	Senate acceded to request
	H	Conferees reappointed by House; Delegates: O'Brien, Almand, Wilson
	S	Conferees reappointed by Senate; Senators: Fears, Gartlan, Truban
	S	Reading of conference report waived
	S	Second conference report agreed to by Senate 21-Y 18-N
	H	Motion for pending question agreed to
	H	Conference report agreed to by House 61-Y 39-N
	C	Senate sub. rejected by Conference Committee
	C	Amended as sub. by Conference Committee; substitute printed
	C	Amended by Conference Committee
Mar 9, 87	H	Enrolled
	S	Signed by President
Mar 10, 87	H	Signed by Speaker
Mar 22, 87	G	Approved by Governor—Chapter 531 (effective 12/1/87)

A Plan for Action

Have your students complete this worksheet on the first or second day of classes next semester when you are busy distributing texts and recording book numbers. This activity introduces students to our federal form of government. Or use this worksheet to assess what your students have learned this year. Disagreements will arise over which level of government in our federal system is responsible for what. Class discussion should follow. "How Our System Fits Together" is a variation on a student activity found in Section F of *Resources for Teaching Virginia Government*. Intergovernmental relations can be one theme which unifies the often eclectic United States and Virginia Government curriculum.

How Our System Fits Together

Which level(s) of government should make the decisions which affect our lives? Why?

Issues	National	State	Local	Rationale
Abortion				
Acid rain				
Agriculture				
Alcoholic Beverages				
Birth control				
Cable TV				
Capital punishment				
Civil rights				
Corrections				
Criminal laws & procedures				
Defense & military spending				
Education				
Fire protection				
Foreign affairs				
Hazardous waste disposal				
Health care				
Highway speed				
Lotteries				
Marriage & divorce				
Minimum wage				
Obscenity				
Police protection				
School prayer				
Seat belts				
Surrogate mother-hood				
Teacher salaries				
Traffic control				
Voting requirements				
Water pollution				
Welfare benefits				

A Federalism for the Future

Gerald L. Baliles

On September 30, 1986, Governor Baliles spoke on modern federalism to representatives from Virginia colleges and universities at a statewide planning conference sponsored by the Virginia Commission on the Bicentennial of the United States Constitution. Below are excerpts from that speech, reprinted from the Virginia Independent, Vol I, no. 4.

Ten years ago, when we recorded the two hundredth anniversary of our nation's independence, we engaged in a sort of celebration of the heart, not unlike the Statue of Liberty party this year. The celebration of the Constitution, I think, ought to be different. We should make this celebration one for the mind rather than the heart.

After two hundred years of constitutional controversy, I think it behooves us, as a people, better to understand this document that, against all odds, continues to bind us together as a nation.

To that end, I would like to attempt a contribution today. I wish to discuss something called federalism—a poorly understood, though very important, concept.

Federalism is different things to different people. To some, it is an arrangement of power and a philosophy of government. It is the institutionalization of the idea that political power ought to be divided, not concentrated. To others, it is merely an unfortunate and inefficient administrative situation that we inherited—a governmental arrangement no logical person would ever propose for use in the twentieth century. This latter group even takes issue with the word "federalism." They prefer the term "intergovernmental relations."

I like the word "federalism." And I'm going to argue today that federalism remains a good idea, that many of the principles underlying federalism are sound and worth preserving but with certain qualifications.

First, a little history. We recall that, at the time of the Great Debate of 1787, the Federalists, while distrustful of concentrated political power themselves, were concerned that a loose knit confederation of states, as created under the Articles of Confederation, would remain an invitation to anarchy.

The Antifederalists, on the other hand, saw the formation of a union—"one great, consolidated, national government," as Patrick Henry put it—as a threat to hard-won freedom. George III was not a distant memory, and the Antifederalists saw states' sovereignty as the best bulwark against new attempts at tyranny.

The Federalists prevailed. The Constitution was ratified. But, as Herbert Storing once wrote, the Antifederalist reservations continue to "echo through American history." And, I might say, the echoes became almost deafening around 1980.

The problems of federalism, as I see it, have been twofold. We bought into the first problem the moment we included language in Article IV equating human beings with property. When we compromised on slavery we compromised greatly—and we paid for it dearly.

All the powerful and principled arguments upon which federalism rested proved insignificant and petty against one simple, moral truth: human slavery is wrong. Four years of bloody civil war settled the primary issue.

The federalist concept, sadly, wrecked again on the reefs of racial divisiveness in the twentieth century. Once again, many arguments were expended in an effort to thwart a moral imperative; namely, the granting of equal rights to all our citizens.

Even after all these years, the term "states' rights" conjures up images of segregation and race hatred. In such circumstances, arguments for the preservation of state powers fall on deaf ears, to our misfortune, I believe.

We have overcome that part of our past. I cannot foresee principles of federalism employed again legally to subjugate another people. So, should not federalism reestablish itself; and won't the states once again assume their proper role in the constitutional system? Not necessarily. Which brings me to the other probable, a situation that began in the 1930's.

Some writers regard the Great Depression as a geological fault line in the allocation of political power because, from that point until recently, the evolution of federalism has been toward the assumption of greater responsibilities by the federal government. The New Deal was characterized by centralization and egalitarianism. Centralization meant that the national government, as opposed to state governments, would do what needed to be done to meet the crisis of the Depression years. Roosevelt sought a true sense of national community characterized by public-spiritedness, discipline, and self-sacrifice. And, to an extent, he succeeded.

Unfortunately, partial success encouraged even greater devotion to the idea of the federal government as the problem solver. Further, it was an undeniable fact that state governments had not, in the main, responded to the many needs of the people. It was therefore understandable that citizens, through their elected representatives, sought from Washington a cure to all ills, myriad and diverse.

This political phenomenon found its apogee during the Johnson years. Built upon the device of the categorical grant, "Creative Federalism," as it was termed, expanded into areas never even considered in the New Deal.

> "If the states are to claim any meaningful role in the constitutional system, we must be willing to make the hard choices and meet our responsibilities."

The focus on Washington during the period of the late 1960's was such that serious people seriously argued that perhaps state and local governments had outlived their usefulness in the American constitutional system. I remember Congressman Henry Reuss in 1969 saying that "state and local governments are becoming both insolvent and archaic." Still, efforts were made to find an acceptable balance in the administration of federalism.

Richard Nixon ushered in "New Federalism"—the keystone of which was the State and Local Assistance Act of 1972, better known as revenue sharing. Despite revenue sharing, more than sixty new categorical grant programs were produced under Nixon. Thirty more were added during Gerald Ford's presidency. President Cater called his program the "New Partnership," but it was little different than its predecessor programs.

Then came Ronald Reagan, who, during, his inaugural address, declared

(Continued, page 8)

(Baliles, from page 7)

that it was his intention to "curb the size and influence of the federal establishment and to demand recognition" of the states. Mr. Reagan brought forth a new initiative which, like Mr. Nixon, he called "New Federalism." The program, for all its ambitious rhetoric, failed for lack of support both in the hinterlands and in Congress. But, undaunted, the president enacted his ideas by budget, rather than by program....

So, where does this leave federalism today?

First, I think the budget deficits are real and, sooner or later, must be confronted. When that happens, federal aid to state and local governments will end for the most part, and the accumulation of power in Washington, a process begun fifty years ago, will be reversed. That will require some adjusting on the part of state and local governments. It will also cause some pain. Nevertheless, I see in all this the makings of a real opportunity for renewed federalism, particularly in the case of Virginia.

And here's why: first, Virginia is committed to the protection of equal rights for its citizens, as I believe, are all states. So long as that remains the case, we will be able to argue credibly against preemptive federal legislative or judicial intervention. Second, many states, including this one, are in stronger economic positions than Washington. We are ready to assume responsibilities heretofore neglected and take the actions that circumstances demand.

Evidence of the determination of states is visible in education. With innovation and imagination, states are taking the leadership in educational reform. And they are putting their revenues behind those reforms.

But here's the point. I contend that if federalism is to have any substance, that if the states are to claim any meaningful role in the constitutional system, we must be willing to make the hard choices and meet our responsibilities....

Now, I ask, how will states ever secure responsibility in our constitutional system if we fail to act responsibly? The answer is, they will not. I believe that states are, as Jefferson claimed, in a better position to serve our people because we are closer to the people. I believe that states should be, as Madison asserted, the more extensive and important in times of peace and security. But we must prove our worthiness to govern. We must demonstrate our willingness to provide for our people and their aspirations.

Federalism is a means, not an end; it is a process, not a final destination. Federalism has and will continue to evolve. States will secure and preserve a full partnership in the federal constitutional system so long as we act as a full partner.

States have the capacity to govern, should govern, and will govern.

We have seen the alternative: the old federalism of disparate programs, policies, and administrative procedures. We have seen the waste, the inefficiencies, and the duplication. We think we have a better idea—a new form of federalism based on the principles of Jefferson, Madison, and Henry.

We led the way then, and there is no reason why we shouldn't again.

A Plan for Action

Following is a brief outline of six major arguments often used for and against the establishment of a state-operated lottery. It has been argued that a state lottery would:

Pros
1. Generate additional revenues without a tax increase;
2. Provide the public with a new form of entertainment;
3. Undercut illegal gambling activities in Virginia;
4. Discourage Virginians from playing out-of-state lotteries;
5. Create jobs in the public and private sectors; and
6. Safeguard against corruption and fraud.

Cons
1. Mislead the unsuspecting public;
2. Place a greater burden on low income families;
3. Invite compulsive gambling;
4. Raise revenues inefficiently;
5. Require constant marketing; and
6. Result in a redistribution of purchasing power.

A good point of departure for students anxious to debate the merits of the lottery proposal on the November ballot, these arguments do not cover all points of controversy. Use a modified parliamentary debate format for the class debate. This format gives everyone in the class the opportunity to become involved.

Format: Call to Order, Principal Speeches, General Debate, ClosingSpeeches, Vote on the Motion, Adjournment

Rules of Debate:
1. Seating: Members of the House (class members who are not debaters) should seat themselves according to their sentiment on the resolution. Those favoring the affirmation of the resolution sit to the right, and those opposed who support the status quo should sit to the left side of the classroom where desks will be arranged as in the House of Commons.
2. Heckling: Witty, intelligent, and clever heckling of the speakers is permitted; dull, tactless, and boorish heckling is strictly forbidden. No heckling will be permitted during the closing speeches.
3. Principal speeches: There are four main speeches—two for the affirmation of the resolution and two for the opponents of the resolution.
   A. The first two speeches shall be no more than eight minutes and are closed to questions. The affirmative speaks first.
   B. The second two speeches shall be no more than eight minutes and are open to questions from the House. Again, the affirmative speaks first.
4. Questioning the speaker: Members of the House are limited to one question per speech. The principal speakers are not required to yield to a question.
5. General Debate: After the principal speeches, the Chairman will recognize members of the House for speeches (not to exceed four minutes) alternately for and against the resolution.
6. Closing Debate: Upon passing the motion to close debate, the Chairman will recognize a member of the negative team for a four minute closing speech. The affirmative speaker will follow with a final speech of no more than four minutes.
7. Voting: Voting will be by voice vote.
8. Adjournment: The motion to adjourn may be made after the vote on the resolution.

Long Named Third Fellow in Virginia Government

Thomas W. Long, a social studies teacher on leave of absence from the Augusta County Public Schools, will coordinate the activities of the Teacher Resource Service for the next academic year. Since 1978, Tom has taught government, economics, and sociology at Buffalo Gap High School in Swoope where he also coaches the girls softball and basketball teams, sponsors the Senior Class and Varsity Club, and works with Buffalo Gap students involved in the Model General Assembly and ODU's Model United Nations. A graduate of Bridgewater College, Tom (with his wife Nancy and two toddlers) makes his home in Mt. Solon. As Director, 1987-88, Tom Long will begin his duties at the Institute of Government on July 15, 1987.

Tom Long listens to student legislator at M. G. A.

Civic Education in Action

Patricia Bell

Since 1976 Staunton, Waynesboro, and Augusta County high schools have participated in a regional Model General Assembly. The 12th Annual M. G. A. completed a three-day session in Staunton in early April. Five county high schools, two city high schools, and a private school sent 172 students to the Assembly this year. The county schools each sent fourteen Delegates and six Senators; city schools sent fifteen Delegates and five Senators. The program is coordinated by its founder, retired General Kenneth Linkous, and is financed by the Staunton Kiwanis Club. Meeting facilities are provided by historic Trinity Episcopal Church (where the legislature met while fleeing the British in 1781) and the Central United Methodist Church of Staunton. Building partnerships has been essential to the success of these regional assemblies.

The social studies teachers play a central role in planning and implementing the M. G. A.Each school sends a coordinator to a planning meeting in November to evaluate the previous session and to prepare for the next M. G. A. Government teachers are responsible for teaching the student-legislators the Virginia legislative process and parliamentary procedure. Many teachers use the unit on "Citizen Power in the Legislature," Section E of *Resources for Teaching Virginia Government*, as a basis for this activity. Teachers also use the Code of Virginia as a reference for their students who are drafting the bills which are prepared and submitted by the beginning of February. Once the bill books are readied by early March, teachers give assistance with strategy and argumentation as students prepare for the session.

From the students, either elected by the student body or selected by the faculty, eight committee clerks, pages, a Sergeant at Arms/Chaplain, Governor, Lieutenant Governor, and Attorney General are chosen. Opening day of the three-day session begins at 9 a.m. with the swearing in of the Youth Governor, Youth Lieutenant Governor, and the Youth Attorney General by a local judge. Area members of the General Assembly attend and briefly address the convocation. A keynote speaker follows, and the speech-making concludes with the inaugural address delivered by the Youth Governor. These festivities are followed by committee work in the various church school meeting rooms. Should committee work conclude early, students begin floor debate. Time out is taken for a lunch prepared by the wives of the Kiwanians and served at the churches, and floor debate continues until 2:30 p.m. when the students return to their schools.

The second day is marked by floor debate all morning. By lunch, the student-legislators are completely acquainted with legislative advocacy, and debate is lively. Short committee sessions follow lunch—an opportunity to study bills communicated from the other chamber. Floor debate continues on the third day. After lunch, the Youth Governor addresses a joint session of the legislature, announcing the bills he has signed into law and those bills he has chosen to veto. A veto override session follows. M. G. A. concludes with a series of short commentaries by selected students who share their impressions of M. G. A.

The 1987 regional assembly debated bills requiring drug testing of student athletes, allowing for the election of School Board members, establishing a small claims court in Virginia, legalizing radar detectors, requiring students to take CPR, and limiting cities in annexation cases. Students, teachers, and the community all agree that M. G. A. is a positive investment in the civic education of the young people—the leaders of tomorrow.

Patricia Bell teaches government at Waynesboro High School, has long been associated with M. G. A., and is a member of the Advisory Committee of TRS. For information, call Pat Bell at (703) 943-3131, or Tom Long at TRS.

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(Morris/Sabato, from page 3)

Will the Baliles administration be regarded as a watershed in Virginia's modern history?

Morris: This administration could be a watershed. Time will tell. The appropriate comparisons to be made are with the Byrd (1926-1930) and the first Godwin (1966-1970) administrations. The fiscal policies of those two governors made their administrations watersheds. The highway funding initiative qualifies Baliles to add his name to this short list. The Byrd and Godwin terms, however, were marked by significant constitutional changes and reform of the governmental structure. Such initiatives do not as yet mark the Baliles years.

Sabato: We ought to be cautious in predicting history. If Governor Baliles continues the momentum that he has established in his first fifteen months, he has a good shot at being remembered as one of Virginia's outstanding governors of this century. Only two twentieth century Virginia governors have been historically significant: Harry Byrd (1926-1930) and Mills Godwin (1966-70). In the broad sweep of history only a few governors really change the events in a dramatic way that influences the way we think about state government or has an impact on the kind of things that state government does. Byrd did that; Godwin did that. Baliles' name may be added to that short list before it's over.

Is Governor Baliles changing the long-held perceptions of Virginia and Virginia's government?

Morris: Governor Baliles is accelerating the evolutionary nature of the changes which have characterized Virginia government since the first Godwin administration. Governors of both parties have contributed to this change which has resulted in a more active and vibrant state government. The Baliles' contribution is his approach to dealing with public policy. He is less bound by the approaches and policies of the past. The highway funding initiative and the phosphate ban are two examples of the problem-solving attitude that Baliles brings to bear on the machinery of state government.

Sabato: I don't know that Gerald Baliles has changed any long-held perceptions as much as the Democratic ticket elected in 1985 has. It is amazing that people still talk about that all over the country. I think they are as amazed as most of us were. They still say, "In Virginia you elected a black and a woman on a three person ticket!" In that one bold stroke, Virginians did change what others expected of Virginia. Generally Virginia has been seen as a state more inclined to follow than lead. Well all of a sudden, Virginia was leading. Whether you agree or disagree with those individuals who were elected, it was fairly revolutionary for that ticket to win.

Baliles may be building on that election by undertaking some pacesetting programs that other states are copying. Virginia has not provided the model for a long time. In fact, it hasn't provided the model since the early days of the republic. We are moving in a new direction. With time and additional progressive innovations, it is possible that Virginia will once again be regarded as one of the leaders in the nation.